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ART. I.—*Memorie storiche sugli studj e sulle produzioni del dottore G. Bernardo de Rossi, Prof. di Ling. Orient. da lui distese.—Historical memoirs of the studies and productions of Dr. John Bernard de Rossi, Professor of the Oriental Languages; written by himself.* Parma, dalla stamperia imperiale. 8vo. pp. 112, 1809.

THE name of the subject of these memoirs is familiar to many of our readers, in connexion with his great work on the various readings of the Hebrew Old Testament. Though that collection exhibit but a small part of his vast and various erudition, it is almost the only one of his works, which has been considerably known either in England or America. As scarce any reading is more amusing than biography, so no branch of mere subsidiary reading is more useful to the scholar, than accounts of the lives and studies of those whom he chooses for the guides or standards of his pursuits. We feel curious to know how these great men lived and laboured, almost hoping that when we have imitated the form of their rooms, the arrangement of their books, and the filing of their papers, we are in the fair road to partake their fame. And if this be derided as a literary weakness, it will not therefore be denied that occasional hints are derived from the memoirs of learned men, which render real and valuable aid, in forming

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our own habits of study and systematizing our own labours. Genius, it is true, breaks through all these rules, derides all these aids, and works and shines, in despite alike of what would promise to aid or to oppose it. But as we presume the prisoner innocent till found guilty, we can think of no maxim in education more important, than for the scholar to presume himself no genius, till he has fairly proved that he is one. The sure path to learning and fame is best found out, by looking into the lives of those who have travelled it farthest.

We are the more anxious to make these trite remarks, not only as the work before us is an uncommon instance of the union of high natural gifts, with inexhaustible perseverance in labour; but because the spirit of our country seems to run rather in favour of an opposite course. Our institutions and the state of our country breathe a spirit of independence, which cannot safely be transferred from the open bustling forum, to the study. Our civil and political freedom gives us no immunities from those intellectual laws, which have made great efforts necessary to great attainments. The forefathers and the heroes have done nothing to emancipate us from the burden of three centuries and a half of book-making; and not a constitution or charter from Maine to Florida has unlocked one of the dead languages, in which the wisdom of ages lies hid. All we can do—and it is this for which some of the Cleons of the day seem striving—is to withdraw ourselves from the great literary games of the nations; to affect to disdain any share in the competition or regard for the prize. Farther than this we cannot go. Would we rank on the list of their scholars we must labour and study, as they have laboured and studied before us; nor hope in the newest and freest state of the West to take so much as a single step by force of genius, which has been taken in the old world by dint of labour.

The work we have before us contains the life of a scholar of great native powers and unwearied application, and we proceed without apology to make an abstract from it for the edification of our readers, in the hope that though its immediate interest be confined to those engaged in pursuits similar to his, it will have some attraction for all who honour the literary life and are inspired with literary enthusiasm.

John Bernard de Rossi was born in Piedmont, October 25, 1742, of a respectable family, which had received at various

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times several marks of the favour of the dukes of Savoy. After the first school education at Bairo, he went, at the age of 14, to Ivrea, where, to use the phrase of the French and Italian schools, he made his grammar, humanities, and rhetoric. At this early age, he gave an indication of his future zeal, as a writer, by extracting from the Latin Classics, which he studied, and the philosophy he read, the striking maxims and fine moral passages they contained, and forming of these a compendium. 'This,' says he, 'was the commencement of two practices, which I ever afterwards observed; one to read no book, without making a note of the remarkable things it contained; and another to form, upon the maxims thus collected, as far as they accord with religion, my own character and conduct.' While at Ivrea, he determined on embracing the ecclesiastical profession, and commenced the study of theology. He also amused himself in making sundials horizontal and vertical at all declinations, and figures in relief, which he afterwards coloured. 'While at Ivrea,' also continues Professor de Rossi, 'I had the fancy to take lessons in drawing of the Canon Stephen Peronetti, an excellent painter, who had studied in Rome. The great progress I made, in the four months that I attended to it, and the many performances, which I have in part preserved, are proofs of the happy turn I had by nature for the arts.'

Desirous of taking his theological degrees, he repaired to Turin at the age of 20, and in the following year was admitted to the first of them. The king of Sardinia, Victor, having wisely made it the duty of all candidates for the theological degrees, to study the Hebrew language, de Rossi devoted himself to it, and with such zeal, that he was in the space of a few months in a condition to compose and to translate in this language, of which he failed not to give many proofs; such as an *epistle* and a *prose canticle*, addressed to his professor, the *speech of Esther*, translated from the Vulgate into Hebrew, and many parts of the Hebrew translated into Italian. Extending his attention from the ancient to the modern poesy of the Jews, he applied himself so diligently to the latter, that at the end of the sixth month, he composed and published a poem in a new and most difficult metre, addressed to Monsignor Rorà, newly made bishop of Ivrea. This rapidity of acquisition, as de Rossi himself remarks, attracted no small notice, and among others that of the Jews, and upon

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occasion of this remark he gives us an anecdote of his early zeal in applying his learning to the defence of his faith. 'An individual of this nation, whom I met accidentally at a bookseller's, after having asked me if I could read Hebrew, gave me, as a trial, the celebrated verse in Deuteronomy, "Hear, O Israel, the Lord thy God is one Lord:" repeating as I read it, that it was *echad, one.* True, answered I, perceiving his malice, and the unity of God is a fundamental article of christianity. But why is the name of God *thrice* repeated? He being unable to answer, I took this occasion to show him how, in this very verse, by which he thought to impugn it, that mystery was shadowed out.' Encouraged by 'these glorious beginnings,' de Rossi continued his oriental studies, and in the two years before his second degree, devoted himself to the Hebrew without points, the Rabbinical, the Chaldee, the Syriac, the Samaritan, and the Arabic: all which he studied by himself; and submitted only to the professor, out of respect to him, the exercises in Hebrew and Rabbinic. He appeals to a *collection of Rabbinical texts,*—a *compendium of sentences,* extracted from that of Plantavizio,—a part of the *sacred hymns of Machazor,* translated by himself,—and *Syriac and Latin extracts from St. Ephrem,* all printed in 1765 (at the age of 23) as proofs of his rapid progress. In the same year, he employed himself on a rare and unpublished work of Caspi, existing in manuscript in the royal library, which he copied and translated in great part, as a specimen. This he dedicated to the first president, and with it a Syriac poem of his own, in the Jacobitic measure. Three years after, and at the age of 26, he published his *Oriental Poems,* written, in the languages already mentioned, with an introduction in Coptic, and a short Ethiopic elogium. A short time only passed, before Rorà, the bishop of Ivrea, was made archbishop of Turin. On this occasion, our indefatigable linguist composed two poems, one in *Estranghelo Syriac,* expressing the sorrow of the church, which had lost a bishop, and the other a Polyglot poem, expressing the joy of the church, which had gained an archbishop. These poems were printed in the year 1768; and in the vacations of the same year, de Rossi commenced two great works: one *De Studio legis seu Biblico, ex rabbinorum præceptis optime instituendo,* compiled in a good degree from the *Mahasse Efod* of Peripot Duran, and illustrated 'by an infinity of authors of all languages and nations,

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among which was the Enchiridion Studiosi of the Arabian Borhaneddino.' The other work had its origin in the objections made by his fellow students, to the utility and necessity of the study of Hebrew. He thought it his duty to refute their objections, in a work which he called '*De præcipuis causis ac momentis neglectæ Hebraicarum literarum disciplinæ dissertatio elenchtica,*' in which work he discusses, in twelve chapters, the same number of objections to the study of the Hebrew. It is worthy of remark, in a young catholic priest, that one of the objections refuted is, 'that the use of the vulgate renders that of the text useless.' One would suppose that these works and studies would have furnished at least full employment for a man of 27. But we are informed, that he found the means to learn, at the same time, the French, the Spanish, the English, the German, and Russian languages; making of the three last small grammars of his own to facilitate the acquisition. The two works mentioned were so far from engrossing the attention of this great man, that besides a compendium in Hebrew and Italian, he had composed seven other works on subjects connected with Hebrew and Rabbinical literature, which are all mentioned in the preface to the compendium. It does not appear that they were printed. While a list equally long, of works planned and partly composed, leaves one at a loss to conceive how he was thus able, in a few years, to bring to pass the productions of a life.

The early merit of de Rossi was perceived, and in this same year, so fruitful of his works, he was appointed to a post in the Royal library. Few months, however, elapsed, before he received the still more honourable call of the duke of Parma, to the chair of the oriental languages, in the University in that city. The letter of invitation was accompanied with an order of the minister to prepare some oriental poems, for the impending nuptials of his new master: which, with exemplary promtitude, he did before leaving Turin. A severe illness, which threatened his life, and left a weakness from which he has never recovered, cast a shadow over the pleasing prospects, that were opening on the professor. The first moments of recovery were devoted to study, and the fruit was a *Dissertation on the epoch of the first origin and variety of languages*, against Vitringa. This was followed by three other dissertations *on the native language of Christ and the Jews of Palestine*, against Diodati, who had published a work of

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great learning and acuteness, *de Christo græcè loquente.* While these works were in a course of composition, Professor de Rossi prepared manuals and text-books for his various lectures, and divided his course of Hebrew instruction into three years, which the students of theology were obliged to attend. At the close of the year 1772, he published a *confutation of the vain expectation of the Jews of their king Messiah, from the fulness of all the periods.* Professor de Rossi remarks of this work, 'I treated these arguments, very convincing as they are, and not hitherto separately discussed, in a new order, and with a new and rare erudition, the fruit of long and laborious reading of the Jewish writers.'

In the following year, 1774, Professor de Rossi took occasion of the baptism of the newborn prince, to compose twenty inscriptions in as many different languages, celebrating this event. These were printed with the newly cast types of the celebrated Bodoni, also a Piedmontese, whom the duke's liberality had drawn to Parma, and who, after signalising himself throughout Europe, for the splendor and correctness of his typography, died about four years ago. The twenty languages, in which Professor de Rossi composed the baptismal inscriptions for the prince, were the Hebrew without points, the Hellenistic,* the Rabbinic, the Syriac, the Chaldee, the Palmyrene, the Turkish, the Hebrew with points, the Coptic, the Estranghelo-Syriac, the Samaritan, the Arabic, the Phenician, the Persian, the Greek, the German, the Egyptian, the Armenian, the Etruscan, the Carthagenian, and the Latin. At the same time he attempted to decipher a Phenician inscription, which had been lately discovered at Cagliari; and to illustrate a Saracenic distich of Theodosius the deacon: the former in an Italian letter, published in the Efemeridi di Roma of the year 1774, and the other in a Latin one, printed in the last volume of the Storia Byzantina in the same city.

* By Hellenistic, we understand our author to mean here the Alexandrian dialect of the Greek. It means properly that form of the Greek language, which arose out of the Attic dialect, purified of its most marked peculiarities: the court language as it were of Greece, after the age of criticism had succeeded to the age of invention. See Buttmann's Greek Grammar § 8, and Matthiæ's Greek Grammar § 7; where there is an unsuccessful attempt of the editor of the English translation to correct the statement in the original. The modern Greek authors understand by Hellenistic the ancient Greek, in distinction from the Romaic.

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The following year, 1775, brought forth a still more magnificent collection of Polyglot inscriptions, upon occasion of the marriage of prince Emanuel of Piedmont, with a French princess. Twenty four of the most conspicuous cities of Piedmont were introduced, saluting the royal pair in twenty four addresses, in as many different languages, all in different characters, of the Bodoni foundery, and adorned with emblematical engravings, relative to the cities respectively, by the first Italian artists. Besides the languages in the former collection, there were introduced in this, the Ethiopic, the Jewish-German, the Gothic, the Russian, the Tibetian, the Illyrian in the Hieronymian character, the Sanscrit, the Illyrian or Cyrillic-Sclavonian, and finally the Georgian. 'Of these languages,' says Professor de Rossi, 'there were several, particularly of the Asiatic, which are very abstruse and hard. This could not but make the undertaking for a single person, and him a European, extremely arduous; and even hazardous, inasmuch as whenever at Rome and elsewhere, there is a proposal of similar Polyglot productions, though of much less extent than this, many learned men and the natives, best acquainted with their respective tongues which can be found, are employed in composing them.' After having finished this splendid work, and published a defence of the one above mentioned, on the Vain Expectation of the Jews, Professor de Rossi turned his attention to the subject of Hebrew bibliography. From the mass of editions of the fifteenth century and of materials relative to the subject, which he had been long collecting, he published, the following year, his work de Hebraicæ typographiæ Origine et Primitiis, which was received by the learned with great applause, and two years after reprinted in Germany. He afterwards pursued this subject much farther, and after a lapse of twenty years, published his *Annali Ebreo typografici* del sec. xv.

Two years after the first mentioned work, appeared a specimen of the Syro-Hexaplarian bible, from a very valuable manuscript in the Ambrosian library at Milan. This specimen contained only the first psalm, but this was given in the Hexaplar Syriac of the Ambrosian manuscript, in the common simplex (the peshito,) with their respective sources the Greek and Hebrew, and Latin translations of both. The Origenian Notes were added in the margin, and in the beginning was a diatribe on the rarity and value of this codex, and

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the version it contains, and on the celebrated hexaplar codex of Masius, which was the first volume of this. This little specimen was very acceptable to the learned, and often reprinted in Germany. More luminous specimens of whole books, as Daniel and the Psalter, have since been given by Bugati, librarian of the Ambrosian.

We come now to the work, on which Professor de Rossi's fame chiefly rests, in the Extra-Continental world, viz. the collection of various readings of the Hebrew Old Testament. It is well known with what interest this subject of the various readings of the Old Testament was regarded, by the biblical critics of the last century. The success of the collations which had been made of the manuscripts of the New Testament, and the great light thrown upon the Greek Scriptures, by the labours of Mill and Wetstein, led scholars to look with eagerness to similar labours for the correction of the Hebrew text. It was doubtful how far the masoretic revision pervaded the existing Hebrew manuscripts—there was no positive reason for despairing of manuscripts, which should contain a text older than these diligent grammarians,—and there were strong hopes felt that families and classes would be discovered, in the written copies of the Hebrew Scriptures, similar to those, which have been traced in the manuscripts of the Greek Scriptures. It is well known to the biblical student, that these expectations have been disappointed. No ante-masoretic text has been discovered: and as the lawyers, who compiled the pandects of the civil law, have by the success of their labours occasioned the loss of the two thousand volumes of preceding jurists, which formed the basis of their labours; so the grammarians of Tiberias, whatever service they did the Hebrew text, have at least cost us all the means of correcting it, which a comparison of older manuscripts would have afforded. But to return to our author, Kennicott's collation of manuscripts of the Old Testament, which appeared about this time, served no other purpose with Professor de Rossi, than to inspire him with the idea of attempting a more perfect one. He had already in his hands a good number of Hebrew manuscripts which had never been examined, and proposed to make a journey to Rome, and other parts of Italy, in the double purpose of augmenting the number of his manuscripts and editions, and collating manuscripts which had not been exam-

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ined by Dr. Kennicott's agents. He succeeded in both, to his entire satisfaction. In one library, he discovered seventeen manuscripts of the Hebrew bible, which had escaped former collectors; and in Rome six entire libraries, which had not been entered in behalf of Kennicott. As an earnest of his discoveries, a small specimen of a very valuable codex, in the private library of Pope Pius V, with an appendix relative to the famous Barbarini tritapla Samaritan Codex, was published in Rome by Professor de Rossi in 1780, and reprinted the year after at Tübingen.

Returned to Parma, he yielded to the requests of two friends, in composing the history of Hebrew typography in Ferrara and Sabionetta, in two commentaries filled with curious erudition relative to the editions of Hebrew Scriptures, in these cities. They were speedily reprinted, with additions by the author, in Germany. These were followed by an appendix to Masch's edition of Lelong's Bibliotheca, in which account is given of various editions, which had escaped both Lelong and his editor Masch.

'These, however,' says Professor de Rossi, 'were but small digressions; the main object of my labours was the great work of the Various Readings. I had, in the specimen of the Codex Pontificus just mentioned, announced my work, and promised that it should be more perfect, ample, and correct, than the English collection. I had moreover confuted a patriotic assertion of Kennicott, who boasts his country to be richer than all others in manuscripts of the Hebrew Scriptures; while Italy, nay a private Italian (himself), possessed a much larger number; and in point of editions possessed as many as five copies of an ancient and rare edition, *of which Kennicott maintained the only copy extant to be in England.*' Shortly after the appearance of the program, announcing the plan of this work, Professor de Rossi published his *Apparato Ebreo-biblico*, containing a description of his codices; and so advantageous were the opinions which were excited by it of the expected work, that an adequate number of subscribers was immediately obtained, and the first volume, containing the prolegomena, key to the codices, and three first books of the Pentateuch, appeared in 1784. Every one is acquainted with the merits of this work. The three other volumes followed in 1786, 1787, and 1788; and Professor de Rossi had, as he observes, the satisfaction to finish of himself in a little

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less than four years, an undertaking which had occupied the English editor, with so many subsidies, twenty years.

We find but a few years' repose, after the incredible labours of this work. In 1795, Professor de Rossi published the Annali Ebreo-typografici del sec. xv. mentioned above. This work, in three parts, treats first of editions with a date, second, of editions without a date, third, of false editions; the whole arranged in chronological order, and illustrated in an ample commentary. 'Whoever,' adds Professor de Rossi, 'cherishes the opinion formerly universal, that the edition of Soncino was the first, will not read without surprise, in my dissertation, that there are twenty-seven editions quoted there anterior to the Soncino, and nearly all in my possession.'

After having published, in 1799, an a appendix to the great work on the various readings, containing subsequent collections, Professor de Rossi pursued the subject of Hebrew bibliography, in a work, entitled Annales Hebræo-typographici ab Anno 1501 ad 1540. The editions described in this work are also very rare, printed for the most part in Constantinople and the Levant, and taken from manuscripts. Before commencing the work, he collected one hundred and fifty of these editions. In the following year, appeared Bibliotheca Giudaica anticristiana, containing an exact description of all the works of the Jews against Christianity: a performance rendered considerably interesting by the rarity of these books, and the jealousy of the Jews with respect to their circulation. This performance was but the forerunner of another, of still more general interest, viz. the *Dizionario Storico degli Autori Ebrei*, in which all that is valuable in the large works of Wolf and Bartolocci is reduced into a convenient compass, innumerable omissions supplied, and errors corrected.

Professor de Rossi had been all his life collecting a library of manuscripts and rare editions, of which his works are at once the evidence and the fruit. Proposals from several princes—the king of Spain and the Pope—were made to him to dispose of it, but he had determined not to deprive himself of it, till he should have published a catalogue raisonné of its contents. This he finally accomplished in 1803, and the result of it is, that the library contained in the whole 1571 manuscripts, of which 1377 were Hebrew, and 194 in other oriental and European languages. More than 1070 are on parchment: a few hitherto unknown, unique, and original:

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and several hundreds inedited. Of one of these, a pentateuch, with the inedited commentary of R. Immanuel, a manuscript in five thick folios, we were told in the ducal library of Parma, that the Jews of Holland offered to buy it for its weight in gold. Among the other Hebrew manuscripts, was a large collection of manuscripts of the Karaite Jews, which furnished the materials to a work not yet published, by Professor de Rossi, called *Biblioteca Caraitica*,—from which much light might be expected to be thrown on this curious and little studied branch of judaic literature. There were several very valuable Latin classical manuscripts—one or two Greek evangelistaries of antiquity—a Dante written in the poet's life time, and several Petrarchs, one of which was the basis of the second Cominian edition. Since the publication of this catalogue, Professor de Rossi has acquired many manuscripts, among which are fifty-two Hebrew ones. Among the inedited Rabbinical works, one of the most valuable was the Lexicon of Parchon, older than that of Kimchi, and of which Professor de Rossi had two copies. Extracting from this the most obscure and difficult words, he formed a small work, under the title of *Lexicon Hebraicum Selectum*, which was printed in 1805, and in the same year appeared a dissertation on the Koran published at Venice at the beginning of the sixteenth century, of which, as no copy is known to be extant of it, the existence had become problematical. Professor de Rossi, however, establishes the certainty of it. In the following year, 1806, appeared a specimen of the inedited commentary of R. Immanuel, mentioned above.

Anxious to render those services to the Arabian literature, which certainly, more than any other modern scholar, he had rendered to the Hebrew, Professor de Rossi composed and published in 1807, a *Dizionario Storico degli Autori Arabi*, which should serve as a compendium, supplement, and correction of the larger works of D'Herbelot and others. Immediately after the publication of this work, appeared *Sinopsi delle Istituzioni ebraiche*, with a Hebrew anthology subjoined. Returned from a journey in Piedmont, undertaken after the appearance of these works, Professor de Rossi solaced the pains of a violent attack of the gout, by an Italian translation from the original of the Psalms. The translation was printed in 1808, and followed the same year, by the Annals of Hebrew typography in Cremona, written to oblige

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a learned Cremonese friend, in which are described forty-two editions of the Hebrew Scriptures, published in that city. At the close of the year, appeared *Dizionario bibliografico dei libri rari Orientali*, an enumeration and description of the most rare and curious works in the Hebrew, Rabbinic, Chaldee, Syriac, Samaritan, and Arabic languages.

The following year, 1809, appeared the translation of Ecclesiastes into Italian, a work which was followed by a collection of impressive sentiments from the Psalms; both of which appear to have been undertaken by Professor de Rossi with ascetic views, and for the relief they afforded to a mind fatigued with the vanities of life. In the same year, appeared the memoirs, of which the title is given at the head of this article, and from which its contents are derived It is now nine years since the publication of this work. In this interval, Professor de Rossi has not yielded to the lassitude of age; and has furnished as memorable an exemplification, as we have ever met, of the Nil actum reputans, dum quid superesset agendum In 1810, appeared from his pen an Essay on the origin of printing in engraved tablets, and on a xylographic edition hitherto unknown; in 1814, a Compendium of Sacred Criticism,—in 1815, an Introduction to the Study of Hebrew, and in 1817, an Introduction to the Sacred Scripture: while, as he informed us recently, he has now in press a System of Hermeneutics.

Professor de Rossi is at present seventy-six years old, and though not free from the weakness of age, still in full possession of all his faculties, and with an appearance and countenance far behind his years. The number of his printed works amounts to fifty-one, and of works unpublished, commenced, and planned, eighty-one. If some of those published be small, they are all such only as a man of consummate learning could produce, and a few seem of themselves a life's labour. Professor de Rossi has lived for letters, more exclusively than most scholars of the age, and without having reached any thing, that can be called dazzling as the recompense, has had the more solid reward of uniform success, respectability, and competence. His works have procured him pensions from his native as well as his adopted sovereigns; and among so many and such various productions, there is not one, which has ever been accused of being superficial or inexact. The work before us, if less fruitful of inci-

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dents, then some of the more tumultuous biographies, pleases one more by the invariable cheerfulness of the narration, the contentedness of disposition it displays, and the picture it presents of the attainment of the desired end, by the patient application of the regular means. There is not a sigh over the caprice of fortune, or the neglect of merit; not a depreciating remark of a contemporary. If there be a little of the self-complacency of age, there is none of the moroseness nor the sadness; and surely a little self-complacency may be pardoned in one, who stands second to none of the age in his labours in the cause of learning and religion. One branch of the department of learning, to which he devoted himself, may be considered as nearly exhausted by the works he has published. Certainly no new collation of Hebrew manuscripts of the scriptures will be ever attempted, unless some accident, of which we have now no conception, should bring to light an ante-masoretic text. The pretensions to such a text, made by the late Dr. Buchanan and the editor of the fragment brought by him from the East, are on a par with the pretensions of the original Latin gospel of St. Mark, preserved at Venice. Of the Rabbins, we confess, we think more use might be made. Like the Greek scholiasts, they have been too much or too little consulted; and while one generation of critics, such as the Buxtorfian or the Danzian, has borrowed too blindly from them; it is perhaps an equal fault on the other side, that they have been treated with unmerited contempt.

We have taken the more pleasure in making this abstract from Professor de Rossi's Memoirs, for the proof it furnishes, that the catholic church is not wholly inattentive to those studies, which the protestants are apt to think are confined to themselves. Of the sacred critics living, few names will take precedence, in the estimation of posterity, of de Rossi at Parma, of Jahn at Vienna, or of Hug at Frieburg; the two former, and we believe the latter, not only catholics, but priests. If to these be added Dr. Geddes, who belongs to this generation, there is certainly no branch of literature of the Old Testament, which will not owe nearly as much to catholics, as to protestants.

It is also pleasing to behold in Italy—almost the last land one would wish to see an ignorant land—bright examples still occurring of that noble φιλοπονία, which it is thought had almost wholly emigrated beyond the Alps. If this country, the native one of so many arts, had no other names to show

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than those of Caluso of Turin, and Marini and Visconti of Rome, all deceased within a few years, the last within one and a half, of Mai at Milan, de Rossi at Parma, Morelli at Venice, and Mezzofante at Bologna, it might still claim for this generation an equal division of learned fame, with almost any of the past. One superiority they may perhaps be allowed to possess, over the mass of transalpine scholars, and it is surely that, which ought to be regarded with least jealousy, the writing of Latin. Not Gessner, nor even Ruhnken (whose Dutch abridgment of Scheller is the best manual Latin dictionary) have made Forcellini, who was thought to write Latin better than any man of his day, less acceptable; and even Foscolo, though a Greek by birth, amidst the distractions of a political and military life, in these revolutionary times, has entered into the varieties of the Latin language, with the delicacy of a native; leaving you at a loss in his Didymus, which most to wonder at, the exactness with which, in the work itself, he has caught the ungraceful but expressive rudeness of the vulgate; or the ease with which, in the preface, he passes from the elegant fluency of Cicero to the precision of Sallust.

The volume before us closes with a complete catalogue of the published and unpublished works of the author. Of these we are happy to learn that copies of the greater part have recently been imported for the University library at Cambridge.

ART. II.—*Mississippian Scenery; a poem descriptive of the interior of North America. By Charles Mead.*

With contemplative solitude imprest
I sing the shady regions of the West.

Philadelphia, Potter & Co. 12 mo, pp. 113.

THE historians inform us that a remarkable change has taken place in the busines of poetry and prose.* Poetry is

* Lest we should haply be accused of plagiarism for this sentiment, we think it safe to set down the following verse:

There was ere prose began, they say, a time,
Ere learned scribe with men had lot or part;
But fact or fable, all was told in rhyme,
And came unlearned and reached untaught the heart.
'Twas *spirit* all—high nature did impart
Her gift undelved for, wheresoe'er she chose;—
At length the *letter* came, and with it art,
The poet's race declined, the writer's rose,
Till verse itself displays sad kindred oft with prose.

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the oldest of the two; if one can believe these same historians, there was positively a time when there was nothing but poetry. History and geography, morality and law, war and love, grammar and logic, were all and equally dealt out in the poetical form. The muses got possession of the provinces, where you would least expect them; took into their hands, with equal ease, the truncheon, the ploughshare, and the sceptre, and ruled undisputed over the whole of those domains, which should be the natural and fair inheritance of plain honest prose. With the progress of mankind this was put to rights. As better notions of justice prevailed, these ambitious ladies were expelled from the territories, which they had holden to be sure from the first, rather as a derelict than a fair inheritance, and because there was no prose to put in a claim. A partition ensued; generals and lovers, heroes and fair maidens, the heart and the moon, and disinterested friendship, and dreams, and the rainbow were handed over to poetry; while prose took charge of duty and truth, history and law, eloquence and science. This division has been kept up ever since, to the great advantage alike of the labouring writer and the labouring reader. The fancier of poesy is no longer obliged, as in the first age, to busy his mind with a thousand indigestible matter-of-fact topics; nor is he, who deals in the substance of literature, teased with picking it out of the whipped syllabub and floating island, the trifle and the flummery of the muses. We are mistaken, however, if a disposition is not discovering itself, to violate this wholesome neutrality. Things seem to be going by degrees into the opposite extreme. Prose, who is at bottom a sly encroaching dog, seems disposed to revenge the indignities, which he suffered in the beginning from his smarter sister, and despairing of now making head against her in the open field, is resorting to artifice and disguise. We have detected him more than once tricked out in his sister's finery—tripping along in her mincing style—and trying to pinch an air out of the corner of his lips, and so passing himself off upon honest, unsuspecting people, as the real muse. Now as this is a violation of the original articles of partition, and in itself a fraudulent, unworthy thing, we feel it our duty, as trustees of the settlement, to lay open the deceit, wherever we find it. It is incumbent therefore on us to inform our readers, that the work before us is but a new instance of these frauds, which are getting but

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too common among us. Notwithstanding the word *Poem* on the title page, and the capital letters at the beginning of all the lines, and the rhymes at the end of some of them, we assure the lovers of poetry, that it is a sham ; and either a fraud, or as we are more charitably inclined to think, a waggery on the part of their shrewd old friend *Prose.*

If this were indeed only an honest piece of waggery, we should let it pass, without rapping our sly old acquaintance over the knuckles. But inasmuch as several of our best friends have sunk a good deal of capital, in filling their shelves, by way of ornament, with books under the name of poetry, which have turned out, in the end, to be only prose plated, we have resolved, once for all, to give them a few rules, by which they may almost always detect the counterfeit. If, however, any case should occur in which, notwithstanding these our rules, they are unable to decide, they have only to send the article in question to our bureau, postage paid, and may rely on having it decided upon gratis.

First, The real, genuine poetry is modest, select, chastised : she chooses no glaring, vague, and undefined field to show herself in ; but fixes on some one deep affection, strong passion, exalted idea, lovely or dreadful scene, or marked character, and exhausts her whole soul in adorning that. This is the beautiful secret of *unity*, which the pedants of the Alexandrian or Parisian school have eternally enforced, and never understood ; thinking to find it in time, and place, and action, when it was to be sought in the spirit, character, and soul, if we may so say, of the subject. *Prose*, on the other hand, is a most gluttonous fellow ; he will submit to no such limits : he will forsooth write you a history of two thousand years, or insist upon your letting him talk to you, through fifty folios of Reports, from the Conquest, down.—This is a sure characteristic ; and one by which you may detect him here. *Mississippian* scenery, indeed ! None of your Troys or your Æneases ; none of your Wyomings, a single village on the Susquehannah ; none of your Windsor Forests, or your Loch Katrines, for him. Nothing but the Mississippi, from New Orleans to the Lake of the Woods, with proportionate digressions for the Ohio and the Missouri.

But when he begins to treat his subject, honest Prose shows the cloven foot still plainer. The muses, of course, with all the little sylphs and beauties of their train take flight, the

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first moment he shows himself. He gives chase to them to be sure, and would overtake and press them into his service, but he seldom succeeds in seizing any thing, beyond a capital letter or two, which he puts up like a lying sign-post before a country inn—and a few limping rhymes, too lame to escape from him, in the flight of the rest of the poetical train. This class of rhymes abounds in the work before us. *Smiles* and *wilds*, pp. 13, 15, 26, 38, twice pp. 39, 42, and 57 ; *stream* and *unseen*, pp. 14, 27 ; *way* and *sea*, p. 15 ; *rear* and *air*, p. 17 ; *prowl* and *stroll*, p. 18 ; *attire* and *there*, p. 19 ; *shores* and *bow'rs*, p. 22 ; *shore* and *fire*, p. 23 ; *spread* and *shade*, p. 23 ; *winds* and *shines*, p. 24 ; *winds* and *designs*, p. 100 ; *shore* and *tow'r*, p. 26 ; *shores* and *wars*, p. 100 ; *reign* and *plains*, p. 29 ; *roam* and *own*, p. 48 ; with others equally decrepit, show what a poor huntsman Prose is, even of this smallest sort of poetic game. Then, too, his cruelty to the poor creatures, when once taken ; instead of fulfilling their office once, and then being allowed to run again, he keeps them at the task, till they are fairly worn down.—*Skies* and *rise*, in the course of the poem, are made to do duty fifteen times ; *floods* and *woods* no less than ten ; and *smiles* and *wilds*, in plain violation of the ceremonial law against ploughing with animals unlike, are most unrighteously yoked together on eight several occasions.

But mere capital letters and rhymes, especially such ill-assorted ones, would not, of course, suffice so resolute a dissembler as Prose. It is *words*, that help him out with the rest of his disguise ; idle, feeble, high sounding, misplaced words, that stun the ear and mean nothing. He does not so much as dream that words, to be of any use, must be appropriate and expressive ; he heaps them up, and strings them together, and crowds them on, and bears you down with them, as a clever general puts his ragamuffins in the van, to fill up a trench with their carcasses. Thus in the poem—we mean the prose—before us, the deceiver strays through a *world of woods*, where, singular property, *sylvan* shades imbrown the face of day. Moreover, in this same wood, which is so sylvan, he strays in solitude, and that solitude is—lonely. We need scarce tell our unpractised readers that, in poetry, all this is otherwise. Every word there tells, has a meaning, sets an image before you, or at least soothes the ear with some sweet cadence, without pur-

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chasing even this charm by an entire inanity of sense. Search the masters through, and you will find them in nothing marked more strongly than by the 'words that burn;' and it must be in a dozing hour indeed of a real poet, that you hear him talk of sylvan woods, or lonely solitudes, or green verdures.

Another thing, which will often furnish you with the means of detecting this prose in disguise is the mode of handling the far-famed *parts of speech.* Poetry, real poetry, either from genius or from long habit, manages these troublesome personages with comparative ease; and notwithstanding the shackles of rhyme, trips along with lightness and grace, under the weight of nouns and pronouns, number and gender, mode and tense. Not so unlucky Prose. No sooner does he leave his own domains, and attempt an open or a disguised inroad into his sister's borders, than the mischievous demons of grammar begin to play a thousand wicked pranks upon him. He, good gentleman, not knowing very well who of them belong together and who apart, is imposed upon by their impudence, and allows them to go hobbling along through his verse—singulars with plurals, and present tenses with past ones—and thinks the merry spectators are smiling at his wit instead of his awkwardness. Tested by this scale as by the others we shall find the work before us, to be plain, sad prose. We have 'commerce roll,' for commerce rolls; 'sea encompass,' for sea encompasses; 'Ores embosomed in the earth *was* brought,' and various other weaknesses of the like nature, which show what a silly fellow this Prose is, voluntarily to put on the straight waistcoat of the muses.—To be candid, however, we allow that in falling under the weight of grammar, he falls in noble company. Good plain English grammar, the true old fashioned discipline of noun and verb is, after all, the great *crux* of our draughters of reports, our makers of speeches, and our writers of despatches. Eloquence, style, effect, these are easy matters, and you cannot take up a report on the Seminole war, or a statement of the affairs of the Bank, but you find it as flowery as a May morning. Eloquence, as Mr. Burke says of slavery, is a weed that will grow in any soil; we have a right to say so, who are producing it in every exposure from the Senate down to the dinner table. But, as the white clover cometh in with the strawberry, and it hath been observed that where the first

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growth is oak, the second is wild cherry, so it cannot be denied that what the orators have gained among us, the grammarians have lost; that tropes and metaphors have fattened on the nouns and verbs; and a rank, flourishing solecism shot up under many of the most promising plants, in our oratorical gardens. So far has this run, that some charitable persons have cast about for a remedy. And as it is a practice in some foreign Universities for the ingenuous youth, before taking their degree, to employ a veteran under the name of a grinder, to teach them a few phrases of customary Latin, so these benevolent persons have recommended that our eloquent men of the description alluded to should, before appearing in public, employ some competent person to grind a little English into them.

But it is more than time to revert, for the sake of bidding adieu, to the production before us. Our readers may be inclined to find fault with us, for having taken up their time and our own, with a production altogether without merit, and which has no other claim to protection than that of insignificance. This claim we should have allowed, had not the number of similar performances been of late gaining upon us; and did we not think it now and then well to stoop from the gravity of sustained discussion, for the sake of preventing riots and scandals, from getting high in the basement story of the literary edifice. We need not here or ever say, that our severity proceeds from no personal motives, as we never had the happiness of meeting the author's name, but on the title page of the work in question. Whatever may be his claims to respect as a man, of which we know nothing, he certainly has none to indulgence as an author. One embarrassment he has thrown us into; we found an explanation of his poetry as prose disguised: but on reading his notes, we want a new name, lower than prose, for composition without common grammatical correctness, or reasonable propriety in the use of words.

ART. III.—*Discourses on various subjects; by Jeremy Taylor D. D. Chaplain in ordinary to King Charles I, and late Lord Bishop of Down and Connor.* Boston, Wells & Lilly, 3 vols. 8vo, 1816.

SOME years since, it was wished by many of our scholars, that the works of Taylor, Barrow, Bacon, and Hooker, with

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some other writers of that class, should be reprinted in this country. It was thought that an undertaking of this kind would be well received, and might be expected to produce a beneficial and permanent effect upon our literature. Taylor was selected as the most popular of these writers, and the work which stands at the head of this article was published in this town. But the experiment failed; the edition passed slowly from the hands of the publishers, and the original design has been given up.

Many of our literary men lamented this circumstance, as indicative of a bad taste among us, and some regretted it the more, as it seemed to them a rejection of the remedy, which would be likely to correct the evil. It will scarcely be denied that modern literature is wanting in many important points; and it is equally certain that many, both here and in England, whose information and good sense should give great weight to their opinions, believe that its defects might be corrected, and the public taste purified and reformed, by the study of works like those of Taylor and his contemporaries. There are others who continue firm in their adherence to the writers of Addison's school, and will not admit that they have produced, or can produce, an injurious effect upon the character of mind and literature. Both of these opinions have the sanction of high authority, and it may be worth while to examine which of them be wisest, and with what limitations that should be adopted, which, on the whole, we find reason to prefer.

We conceive it to be the true and legitimate object of literature, to improve the mind, to fill it with that knowledge which is power; not so much by adding to its stores, as by enlarging its faculties and resources; not to make discoveries and fix principles, for that is rather the business of science, but to form an intellectual habit, which shall be sound, healthy, and vigorous. When the literature of any age or country seems calculated to produce this effect, we should consider it valuable and excellent; when, on the contrary, it appears to enfeeble or distort the mind, when its prevailing spirit resists the natural expansion and development of the intellectual faculties, we should pronounce it to be faulty and mischievous. Let us determine by this criterion, whether we would have the minds of our countrymen nurtured and disciplined by a literature formed upon the model of Taylor and his contemporaries, or upon that of Queen Anne's wits.

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If we compare the literature of England, in the beginning of the last century, with that of the age immediately preceding, we shall find that it has much less strength and much more polish; that vigour and originality were exchanged for excessive refinement; that it had been rough and rude, but gigantic in its strength and proportions and full of the wildness and grace of nature; that it became gentlemanly and courtierlike, effeminate and weak. Its great fault, at the period mentioned, is a want of life and energy, which is precisely what we should have expected from the unfortunate mistake of its creators and their followers, in preferring cold and spiritless correctness, and faultless mediocrity, to the unrestrained and unsubdued vigour of a strong and independent mind.

The faults of their immediate predecessors, with regard to style, were ruggedness, extreme inequality, and the occasional indistinctness, incident to that period in a language, in which the meaning of many words remains as yet unfixed. These faults they anxiously and successfully avoided; and substituted for them a polished and wearisome monotony, and an elaborate exactness and perspicuity, which certainly weakened their language, and perhaps narrowed their thoughts.

Their minds seem to have acted within narrow limits; their reflections and inferences have too often little of originality, comprehensiveness, or power. Very much afraid of committing themselves, they were sure never to say any thing, which could possibly be placed in a ridiculous light; hardly wishing to delight, they were contented when they amused the imagination, or roused the reasoning faculties to slight and momentary exertions, without offending against the laws of good sense or of good taste. There is nothing in their works which could be taken away without lessening their value,—but there is nothing there which tells of a genius, whose native elasticity forced it into action; of minds which could not be restrained from spreading abroad their rich and overflowing stores.

This school of literature commenced with Sir William Temple, the first English author with whom we are acquainted, whose language is uniformly harmonious and polished. In this respect he loses little by comparison with more modern writers, and it is somewhat remarkable that his book upon the Netherlands is so little read, that it seems to have lost its rank among standard English classics. It is written

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in a chaste and simple, but elaborate style, closely resembling that which has been long thought to afford the best and safest model, and is moreover full of information, which we find no where else, but in those who have borrowed from him. He should certainly be considered as belonging to this school, if not as its founder, as in ten years after his death, his peculiar style was adopted and perfected by the writers of the Tatler, Spectator, and Guardian. The language had by this time become more settled and determinate, without having lost much of its richness and variety; and passages may be found in the works of the last mentioned writers, of exquisite beauty, uniting perhaps as much of strength, perspicuity, and simplicity, as the nature of the language will ever permit; yet we do not regard any of them as very great men, or any of their works as displaying uncommon intellectual vigour.

The poetry of that day was very analogous to the prose—sensible, correct, polished, and somewhat epigrammatic. It is a fashion with writers of a certain class to deny that there was then any thing, which may with justice be called poetry, but their assertions are too broad. Pope was a poet, and a very great poet, but unluckily a much greater wit. It was fortunate for his reputation, that he lived in an age prepared to admire the agreeable and witty style, which he carried to such perfection.

It is generally believed, that the peculiar character of the literature of that age, was owing to the French taste, introduced with Charles II. This circumstance however could not, of itself, have affected the literary taste of a nation in so short a time, and should, we think, be regarded rather as an incident favourable to the change, than as its principal cause. It has been sometimes referred to what has been called the revulsion of feeling, which naturally took place, at this period; when the stern and chilling fanaticism of the republicans suddenly ceased its hard and heavy pressure upon the spirits of men, and the gloom and austerity, which marked the court of an usurper who felt these to be his chief weapons of defence, were exchanged for the joy, festivity, and licentiousness, which surrounded Charles II, and seemed almost to emanate from his person. The gaiety and vivacity then suddenly infused into English poetry may be attributed to this cause, but it was wholly insufficient to produce so great a change in the character of English literature, as that which

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took place between the age of Bacon, Taylor, and Barrow, and that of Addison and Swift.

Another and a far more efficient cause had been long at work, in giving a new character to English literature, and had brought men's minds into such a state, that they were ready to bow to a false and factitious taste, like that of France at that period. We allude to the great increase of literary men, both of the reading and writing class, and to the formation of a literary profession—not to say trade—such as could not have existed in the ages, anterior to the art of printing; which had been growing up, by degrees, ever since that invention, but at the period in question first reached its height. In proportion as books were easily and rapidly multiplied, knowledge became a comparatively easy attainment, and reading a cheap amusement. Accordingly the class of readers, before confined to a few, whose situation was peculiarly favourable, or whose thirst for knowledge overcame all difficulty, increased gradually to an almost unlimited extent, and comprehended all but the very lowest ranks in society. When a book was a rarity, readers were 'few and far between;' they were not numerous enough, nor closely enough connected, to know or exert their power. He who read for his amusement, was grateful for his pleasure to its authors; and if he studied with a higher object, if the consciousness of talent urged him to strive for the privileges and rewards of learning, he willingly paid to those who had preceded him in his path the deference and admiration he hoped one day himself to receive. Never perhaps, but in the golden days of Grecian literature, were learned men held in so much reverence, never have they exerted such extensive and powerful influence, as during the dark ages. There were few whose intellectual energies were strong enough to overcome the obstacles with which the scarcity of books and the general character of the age obstructed the path of the aspirant to literary fame; but he, who succeeded in spreading his fame beyond the walls of his monastery or college, found the toil requisite to climb the steep amply repaid by the eminence of its summit, and the security of the tenure by which he held his station there. All this, both the previous difficulty and the subsequent reward, was exactly adapted to the encouragement of great minds and to the conception and execution of grand designs; for it gave hardihood to the intellectual character, and free-

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dom and confidence to its efforts. In the ages immediately following the invention of *printing*, before learning had lost its rank and consequence by becoming an universal pursuit, and while, on the contrary, a fresh *stimulus* had been given to the exertions of great minds, by an art which provided new means of bringing to account the acquisitions, which should render them famous—the writers, who have been well called the giants of English literature, appeared and shed upon their country a glory, which is not to be extinguished. Then it was that such works as Hooker's Ecclesiastical Polity and the Novum Organum, were added to the treasures of mankind.

The number of reading men had of course been very much increased by an invention which made it easier to copy a book a hundred times, than it had been to copy it once; and the class of authors was enlarged in proportion. It had become comparatively easy to acquire an extensive, if not a permanent reputation, the trade of authorship was found profitable; and as they, who have not tried it, are apt to think it an easy one, it was soon crowded with those, who might have exercised any other trade to more advantage. As there are unworthy members in every trade, the literary character was soon degraded; it lost its grandeur and nobleness, and no longer deserved or received the homage which had once been paid to it. It became part of the business of a scholar's life, to examine with strict and jealous scrutiny the works of rival authors, to depreciate their excellencies, to hunt up every lurking fault, and point it out to the less discerning eye of the multitude. Readers too became in their turn critics, and the literary public composed a formidable and despotic body, whose tastes were to be consulted, and whose authority was not to be treated lightly. The time had passed when men received with confiding and indiscriminate gratitude, whatever the master spirits of the age thought proper to dispense to them, and it was their turn to be treated with deference and attention, to be soothed and conciliated.

The author no longer wrote with the boldness and independence of commanding genius, for his spirit was subdued and the activity of his mind impeded by the restraints, which he felt it to be necessary that he should impose upon himself; he could no longer expect that they, by whose judgment he was to abide, would appreciate his merits and faults fairly,

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or perhaps be willing to pardon a little that was bad, for much that was excellent; for his competitors were his judges. He had to fight his way to fame, through a host of jealous and watchful rivals, and he must come to the field armed at all points. Such was the system of constraint, under which authors found themselves obliged to live, to write, to think. Admirably was is calculated to

> ——— hurt the faculties; impede
> Their progress in the road of science; blind
> Their eyesight of discovery; and beget,
> In those that suffer it, a sordid mind
> Bestial; a meagre intellect.

A school of literature arose under its operation, characterised, not indeed by 'the sordid mind bestial,' but by something which we think very like meagerness of intellect. Without pretensions or pedantry, it is finished to perfection; with nothing about it which could by any ingenuity be made ridiculous, it is sensible, sustained, cheerful, and often witty. This is all very well and has its value, but we want something more, and if excellence of this sort is not to be attained, but by the sacrifice of what is far more valuable, we think it better not to aim at it.

It may be said perhaps, that the two essentials of good writing, strength and refinement, have no such invincible repugnance to each other, that they cannot be made to unite—cannot exist together, and this is undoubtedly true, to a certain degree. A very sensible man will not only have distinct, and enlarged, and accurate conceptions, but he will be likely to clothe them in language at once forcible and correct; disfigured neither by unsuitable and meretricious ornament, nor by obsolete or vulgar phraseology. And this is quite enough; a more exclusive attention to manner would be not only superfluous but injurious in its effects upon the mind. So far from thinking it a desirable thing that all good writers should, to use the common phrase, be formed upon the same model,—should resemble each other as much as possible, we think it high praise of any composition, which is not singularly bad or foolish, to say that it is not cast in the very same mould with other works, that it has individuality of character. If a writer be continually and anxiously striving to give his sentences the precise form and structure, which he admires in another; if he weigh and balance every word and

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phrase, if he modulate the cadence of his periods until they harmonize exactly with those he has selected for imitation, how can his mind expand, how is it possible that he should think vigorously? One of two things must happen; either he will succeed in his endeavours, and become a humble imitator, a distant follower of the master to whose authority he bows; or if his intellect be strong enough to resist the cramping, belittling discipline, to which he subjects it, he will become original in spite of himself; for there never was an author of distinguished and deserved eminence, who had not a style, a manner of thinking and writing, a character of mind, peculiar in a great degree to himself.

The literature of Queen Anne's age cannot be said to owe its peculiar character—unless our theory be wholly wrong—to the individual tastes and voluntary efforts of the writers of that period. The spirit of the times, which had gradually received its bent from causes long in operation, demanded and compelled them to adopt a style of literature, which their habits were singularly well adapted to perfect. It would be foolish to say that Addison was not a sensible man. He had undoubtedly fine taste, sound discriminating judgment, and much playfulness of fancy; but if we may judge of the character of his mind, from that of his works, we should think its excellence consisted rather in the absence of all that is bad, than in the presence of much that is very good. In defiance of his assertion that he, who writes a book, has great advantages over him, who confines himself to short and periodical papers, we believe that he could not have succeeded in any other kind of composition half so well as in that, which he had sense enough to choose. Desultory and unconnected essays are admirably calculated for minds which have not enough of vigour for intense, sustained, and long continued exertions. For his Saturday papers we cannot be too grateful: never was critical acumen more skilfully or usefully employed than in rescuing Milton from his comparative obscurity.

The style of Addison and Steele and their contemporaries, partly from its intrinsic excellence, but much more from its precise adaptation to the character of the age, took so strong hold of the national taste of England, that it cannot be wholly shaken off, even at this distant day; they however, who are in the habit of observing the signs of the times, assure us

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that it is going out of fashion. The authors of the last century, who left the beaten track and dared to write better than Addison, are much better appreciated, more highly rated, than they were some years since. A young man may now read and admire Johnson, and even study the peculiar style which the grandeur of his conceptions and the extent of his thoughts in a manner forced upon him, without being laughed at for his bad taste, or incessantly warned of his danger. The best prose writing of the last twenty years, which must nearly all be sought in the literary journals and reviews, is marked by a tone of fearlessness and decision, sometimes degenerating into arrogance, but always indicating that the writers thought as they pleased, and said what they thought, without reference to any established models, and with as much strength and variety of expression as they could command. The Edinburgh Review may be considered both as a proof and a promoter of this change; in spite of the bad taste, extravagant opinion, and loose reasoning, which characterise some of its articles, it has done more than any other single cause to awaken the slumbering intellect of Great Britain.

In poetry the change has been more decided. It commenced with Cowper, whose genius could not submit to the thraldom of an unnatural and factitious taste. He had too much poetry in his soul not to feel that it was false, and too much independence to acknowledge its authority. When we come from the elaborate and artificial style, the ceaseless wit and epigram of Pope and his followers, to the nature, simplicity, and the pure and deep feeling of Cowper, is it not as if we had returned from a wearisome sojourning in a foreign land, and felt our hearts, which had been chilled and paralyzed by an heartless intercourse with strangers, again swelling with the joys, and affections, and sympathies of home? Cowper must be considered as the restorer of freedom, but freedom we all know is apt to degenerate into licentiousness, and the poets, who have succeeded him, especially those now living, seem to have fallen from one extreme into the other; their aberrations from a pure and natural taste are perhaps as wide as those of the writers whom they dread to resemble, but they are made in a different direction. However little else they may have in common with each other, they all, we think, exhibit instances of a reaction, a spasmodic and irregular reac-

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tion against the artificial, unnatural taste, which for a long time subdued the poetic genius of England.

We have said that there are strong indications of an approaching or actual change in the literary character of that country, and some of their most sensible writers seem to think it very important that a right direction should be given to the movement, which has already commenced. It is a question how far this is possible. Great and permanent changes in national literatures have been usually, if not always, effected by the operation of causes, which were far beyond the control or influence of human agency. It would seem easier to cause an important revolution in the political, than in the literary world. Empires have been formed, supported, or extinguished, by the energies and resources of an individual; but no one man ever created a national literature, or imparted to one a marked and permanent character. We are not, however, forbidden to hope, that skilful and judicious endeavours to reform and purify a national taste or to aid the development and direct the growth of one, which is yet in its infancy, will be partly at least successful. The evils which would be likely to beset its youth may be known and guarded against, those which would obstruct its progress may be removed by liberal and discriminating patronage, and it would soon reward abundantly whatever support and protection it had received. It is necessary that men who are eminent in the literary world should introduce and give the authority of fashion, which is powerful even in literary matters, to the best and safest models. As we have admitted that the authors, who flourished in England in the beginning of the last century, occasionally exhibit a wonderful mastery over their language, and have left some passages which at least approached perfection, it may be asked why we should not choose and study them as models? We answer, that we should make a wide and important distinction between their own intrinsic excellence, and that which they would be likely to impart; between what they are in themselves, and what they would be if proposed as models for study and imitation. We shall not enlarge upon what we have repeatedly admitted, that they have a great deal of genuine excellence, but we would remark that it is unfortunately of a sort, which renders it a dangerous model; it is altogether *negative*. There is nothing in its character, which could teach the importance

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of vigorous and independent thought, nothing which could fill one's fancy with beautiful imagery, nothing which would 'move to high endeavours;' they are excellent and valuable, chiefly because they are free from inflation, pedantry, and affectation. The student therefore who should endeavour to form his style upon them would strive rather to expunge from his pages, what was bad and redundant, than to fill them with what should be good and essential; the current of his thoughts would be continually checked and impeded, until it ceased to flow with strength or rapidity; he would acquire a habit of regarding manner as of more importance than matter, and the result would be perhaps a polished and chaste style, but surely not a bold or vigorous one. It is impossible to do better in their way, than they have done, and their very success would deter us from following in their path, for they reached the goal, and won the prize, and we find it to be of comparatively little value.

It is necessary not only that the best models should be proposed, but that it should be known how they may be used to most advantage. A wide distinction should be made, and constantly kept in view between study and imitation. The best authors, they whose effect upon the mind would be to give it strength and elevation, may be and should be *studied*, with assiduity; but no writer, however excellent, however perfect in his own style, or however good that style may be, should be *imitated*; for imitation always tends to destroy originality and independence of mind, and cannot substitute in their place any thing half so valuable. It was once a very popular receipt for making a good writer, to take one of Addison's Spectators, read it carefully, and remember as much as possible of the thoughts and arguments, lay the book aside, until the phraseology and expressions were forgotten, and then reclothe what you remembered of the sentiments in language, as similar as possible to that of the original, and so one would learn to write like Addison! A shorter and equally effectual way would have been to commit the paper to memory, and then one might make sure of writing once at least like Addison. We will venture to say that such a plan has been rarely adopted and acted upon without lessening the little intellect, which could submit to it. We have not forgotten that Franklin says, that he formed his style in this way; and they who can think like Frankin and fill every

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period, phrase, and word with meaning, may pursue with safety this or almost any plan.

It is somewhat difficult to give precise and definite rules of study; they who are conversant with the great efforts of great minds may be benefited in two ways; in the first place immediate contact with a superior mind is directly beneficial; it gives an elevated tone to our thoughts and feelings, we catch some of the emanations of their pervading spirit, and a process of assimilation is constantly going on. But the principal advantage is that by following, or rather accompanying the march of powerful minds, we get something of their speed and impetus, which continues when we are left to ourselves—the strong action of their minds imparts a degree of sympathetic velocity to less active faculties—we form habits of thinking as they thought and reasoning as they reasoned—we learn what they have learnt, and we get what is far more valuable, the power of acquiring more. But these are effects and most important effects, which cannot be caused by the study of Queen Anne's writers; the general character of their books; the tone of thought, which pervades and is manifested, both by the choice of subjects and the manner of treating them, is feeble and contracted, and but little adapted to rouse, or invigorate, or fill the mind, which dwells upon their pages. They can afford the intellect neither aliment nor *stimulus*.

A national literature uniting all the requisites of excellence, and each in its due proportion, has not perhaps as yet existed; it may be impossible to create such a one, but it is not therefore idle to aim at it. The natural progress of society must before long, and may soon, create in this country a national literature; and they, in whose hands are placed our literary destinies, should see that no endeavours are wanting, on their part, to ensure the existence of one which shall be at once honourable and useful. The inquiry how this great work may be achieved is of infinite importance, and if in making it we guard against prejudice and habit on one side, and the love of singularity on the other, the result will be, we think, a conviction, that the most effectual, if not the only means of attaining the great object will be to encourage and promote with earnestness the study of the classics, in the first place, and next, of the English writers of the middle of the 17th century. With regard to the classics, we shall not make a

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laboured defence of them, as we hope that a future number of this Journal may afford opportunity for a full discussion of the subject. The notion that the classics have done and are doing harm is, we know, entertained by some, and there never was a wild and chimerical opinion which had not its advocates; but there are men considered as belonging to this party, whose names should carry with them influence and authority, but who, we believe, hold very different opinions. A man may dread the introduction of German scholarship into our country, and wish that the ocean may continue roll between us and our lexicographers and philologists, and still think an acquaintance with the classics an essential part of the education of a gentleman or a scholar; he may still be willing that they should be read, and studied, and loved. And they ever will be studied and loved, for their beauties are general and universal, and therefore imperishable; they have stood the test of time, their fashion cannot pass away.

While we are thinking of the old English writers, it is difficult to refrain from believing that we have degenerated from our fathers, that our intellectual stature is less than theirs, that the mind of man has either lost its strength, or refuses to put it forth. It is the usual, and perhaps a sufficient answer to this, that the mind seems to act now with less energy and effect, only because it acts in a different direction, and upon different objects. However this may be, it is certain that the eminent men of the seventeenth century stood forth from the mass of mankind with a more decided and marked superiority, than we are disposed to acknowledge in any men in these days. They were animated by the consciousness of an intellectual supremacy, which all would reverence, and none could shake, and they felt the reponsibility attaching to their high gifts and attainments. Whatever they wrote was marked by a prodigal expenditure of thought and fancy, which does not belong to this age or the last, and which could only arise from a consciousness of inexhaustible resources of boundless affluence. Not satisfied with the applause of their own age, with the admiration of contemporaries, they strove, to use the noble language of Milton, for 'that lasting fame and perpetuity of praise, which God and good men have consented, shall be the reward of those whose published labours advance the good of mankind.' An early and intimate acquaintance with these authors will give, as far as example

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can give, what we think of the first importance to him who would be a great writer,—boldness, independence, and self-reliance; with these qualities, folly may make itself more ridiculous, but without them genius can do nothing.

We have recommended these two classes of writers, not only because they are in themselves excellent, but because each is, we think, calculated to correct the evil which might arise from an exclusive study of the other. The Greek and Roman languages are far more perfect, better contrived vehicles for thought and feeling than any modern tongue. No writer can, therefore, now equal the classic authors in mere style, and if he strives too much to resemble them, he would perhaps form a tame, monotonous and artificial style; he might substitute excessive delicacy for purity of language. Now this evil would be less likely to befal him, if he were accustomed to the copiousness, variety, and force of the old English writers. On the other hand, an excessive and indiscriminate admiration of these last might make him careless, diffuse, and declamatory; but this could hardly happen, if he had learned to appreciate aright the simple majesty, the lofty and sustained, but disciplined energy of the mighty masters of the Grecian and Roman school. It is apprehended by some that a style, formed by the study of English authors, who flourished when our language was, as they say, in its infancy, would be quaint, affected, and full of obsolete expressions. He, who is much acquainted with those writers, with Jeremy Talyor particularly, cannot but discover that our language is very much impoverished since their day; he will perhaps feel strongly the contrast between their rich and varied expression, and the lifeless monotony of more modern writers; he may sometimes be tempted to use a word or idiom that has gone out of fashion; but this will be the extent of his offence, for the classics will teach him to hate every thing like affectation.

In this country, it should be the business and the object of literary men, not to reform and purify, but to create a national literature. We have never yet had one, and it is time the want should be supplied. So much has been said, and unskilfully said, about the peculiar advantages of our free and popular institutions, and the beneficial effects they might be expected to have upon our literature, that it has become a wearisome theme to many ears, and we almost fear to touch

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upon it; but the fact is, that while some of our countrymen are vain enough, they scarce know of what, the great body of the nation, the literary and the wealthy, of those who have influence in the community are not at all too proud of our peculiar and glorious advantages; and what is worse, they are not apt to be proud in the right place. Much yet remains to be said upon the subject, for which this is not the place or occasion. We would however remark, that if there be any truth which reason and experience concur to teach, it is, that genius and liberty go hand in hand; and it is equally true, that we live under institutions whose very essence is freedom, and which must cease to exist when they are no longer animated by the spirit of freedom which called them into being.

ART. IV.—*Begebenheiten des Capitains von der Russisch-Kaizerlichen Marine Golownin, in der Gefangenschaft bei den Japanern in den Jahren* 1811, 1812, *&* 1813; *nebst seinen Bemerkungen ueber das Japanische Reich und Volk, und einem Anhange des Capitains Rikord.—The adventures of Capt. Golownin, of the Imperial Russian Navy, during his imprisonment among the Japanese, in the years* 1811, 1812, *and* 1813; *with his observations upon the Japenese empire and people; and an appendix by Capt. Rikord. Translated from the Russian into German, by Charles John Schultz.* Leipzig, 8vo, 2 vols. 1817.

THERE is probably no part of the world, which is so little known, and at the same time so worthy of exciting a rational curiosity, as the empire of Japan. Its immense population, its great wealth and industry, its progress in the useful arts, and the peculiarity of its civil and religious government, and the manners of its people, give it a hold on our curiosity over almost every other part of the East. The care, with which this singular people cut themselves off from all intercourse with the rest of mankind, not only gives them a more marked and original character, but limits our knowledge of them to the slight and imperfect notices of a few travellers, whom chance has thrown among them, and who have enjoyed but small opportunities for obtaining accurate information. Several attempts have been made by European nations to open an intercourse with them, but without success. It is a law

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of the empire, that no Japanese shall, on any pretence, quit his country, and no foreigners are permitted to land in Japan, with the solitary exception that two small Dutch ships from Batavia, and twelve Chinese ships from Ningpo, are permitted annually to enter the single port of Nangasaky. Persons thrown by shipwreck upon their coasts are kept in strict confinement, until they can be sent home, by one of the foreign ships from the abovementioned port. Even the Dutch, established at their factory at Nangasaky, have but few opportunities of becoming acquainted with the country, and the information which they have been able to collect, they have shown no disposition to impart to the world.

The empire of Japan consists of a large number of islands, situated in the North Pacific ocean, at no great distance from the eastern coast of China, and extending from 32 to 48 degrees of north latitude. The principal of these are Niphon, the largest and most populous, Matsmai, the most southern of the Kurilian Islands, Sachalin, the north part of which is possessed by the Chinese, Kiosu and Sikonfu, and the three Kurilian Islands, Kunashir, Tshikotan, and Iturup. These last named are in the vicinity of the other Kurilian Islands, and are claimed by the Russians,—who, in consequence of this circumstance, have made several attempts to negotiate with this singular people. More than thirty years ago a Japenese trading ship was wrecked near the Aleutian island, Amschitka. The unfortunate commander and crew of the vessel were saved and sent to Irkutsk in Siberia, where they remained about ten years. At last, the Empress Catherine resolved to send them back to their native country, and to avail herself of the opportunity to attempt forming a commercial treaty between the two empires. The Siberian governor, Pihl, was ordered to send out an amdassador to Japan in his own name, with the proper instructions for accomplishing this object. In consequence of this order Lieut. Laxman was despatched from Ochotzk, in the transport ship Catharina, Capt. Lowzoff, in the autumn of the year 1792. Laxman landed on the northern side of the island of Matsmai, and passed the winter in the little port of Nemuro. The following summer, he proceeded, at the request of the Japanese, to the port of Chakodade, on the southern side of the island, near the strait of Sangar, whence he travelled by land westward, three days' journey to Matsmai. In this

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city, he met the commissioners despatched from the capital to negotiate with him, and in answer to his propositions, he received the following explanations.

1. Although, according to the laws of Japan all foreigners who land on the coast, except in the port of Nangasaky, are required to be seized and holden in perpetual imprisonment, yet as this law was not known to the Russians, and as they had brought with them the Japanese subjects, who had been saved on their coast, the law would not be executed, and they would be permitted to return to their own country without hindrance; yet with the express understanding, that in future, even if Japanese subjects should be wrecked in Russia, the Russians should not approach the coast of Japan, except at the port of Nangasaky, and that, if they neglected this caution, the law would be strictly put in force.

2. The Japanese government express their thanks for the restoration of their subjects to their country, but declare that the Russians may either leave them behind, or take them back with them, as they please; for, according to the Japanese laws, these persons cannot be retained by force, it being a principle of these laws that people belong to the empire, in which fate has thrown them, and in which they have been preserved from death.

3. The Japanese government could not admit a negotiation for a commercial treaty, in any port, except that of Nangasaky. On this account a written permission was given to Lieut. Laxman, by which a Russian ship might enter that port, where officers would be found with authority to negotiate farther with the Russians upon this subject.

With this explanation, Laxman returned in the autumn of 1793 to Ochotzk. No further attempt was made at that time to pursue the object, and no use was made of the permission to send a ship to Nangasaky. According to the representation of Laxman the Japanese treated him in a very friendly manner, and with the greatest politeness. They showed him many civilities according to their customs, supported his officers and men during the whole time of their residence in Japan, at their own expense, furnished him at his departure with provisions for the voyage for which they refused pay, and made several presents. He had only to complain, that, in strict conformity with their laws, they would not let him go abroad at liberty, but kept a constant watch over him.

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In the year 1804, the counsellor of state and chamberlain Resanoff was sent by the Emperor Alexander, on a new embassy to Japan, for the purpose of renewing the proposition for a commercial treaty. He sailed from St. Peter and St. Paul's Haven in Kamtschatka, in the goverment ship Nadeshda, commanded by the celebrated traveller captain Von Krusenstern, and entered the harbour of Nangasaky on the 8th of October. The opportunity of restoring to their native country some Japanese seamen, who had been wrecked in a large vessel from Japan, on one of the Aleutian islands again presented itself; and the Emperor Alexander sent to the Emperor of Japan a great number of costly presents, valued at three hundred thousand rubles. The embassy, however, was received with less favour than they had reason to expect. The ambassador was not suffered to land until December 16, and in the mean time the ship was closely guarded by thirty or forty boats. All the arms and ammunition of the ship were required to be delivered into the custody of the Japanese governor. When, after a wearisome negotiation, the ambassador and his suit were permitted to land, they were quartered in buildings erected for the purpose, surrounded with palisades, and guarded by a double watch, one civil and the other military. The doors of their apartments were regularly locked and bolted upon them every night, and they were not permited to walk beyond their palisades during the day, or to pass from their residence to the ship without special permission. They were not permitted to visit any part of the city or of the neighbouring country, nor were they allowed to purchase any thing of the few persons who visited them. Provisions were furnished them without pay, and also materials for the repair of the ship. After waiting six months for an answer to their application to be permitted to proceed to Jeddo, and have an audience of the emperor, during which time they were amused with repeated assurance that an answer to their request would be speedily received, they were admitted to an audience in the city of Nangasaky of the governor, and a commissioner specially deputed from the emperor to meet the Russian ambassador. In proceeding to the governor's house, they passed through several wide, clean, but unpaved streets. The houses along the whole extent of the streets were covered with hangings, so that the houses and the inhabitants

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were wholly concealed from view, under the pretence that the common people were not worthy to see so great a man as the ambassador, face to face. The audience was had on the 4th day of April, and was repeated on the following day. At the second day's audience, the decision of the emperor was communicated with great formality, relative to the object of the embassy, and thus the hopes of the party of being permitted to go to the capital were disappointed. The emperor decidedly declined having any further intercourse with Russia, refused to accept the presents, that had been sent to him by the Emperor Alexander, and requested that if in future any Japanese should be wrecked upon the Russian coasts, they might be sent home through the Dutch ships which sail annually from Batavia. He ordered a present of a quantity of salt and rice for the crew of the Russian ship, and two thousand bundles of raw silk for the officers. On receiving this answer the ambassador took his departure and returned to Kamtschatka. He at first refused to accept of the presents from the emperor, but on his finding that if he persisted in his refusal, he would be compelled to wait at Nangasaky, until a messenger could be sent Jeddo, and bring back instructions, he concluded to receive them, rather than submit to two months' delay, although he was obliged also to receive back the presents which he had brought. The Nadeshda was towed out of the harbour by a hundred boats, after which her arms and ammunition, as well as the arms of the officers, which had been given up on entering the harbour, were faithfully restored to them.

The chamberlain Von Resanoff, after accomplishing a mission on which he was sent to the settlements of the Russian American Company on the North Western coast of America; to revenge upon the Japanese the treatment which he had received at Nangasaky, in the year 1806, despatched a secret expedition against some of the southern Kurilian Islands, on which the Japanese had made settlement. He justified this measure, on the pretence that these islands had been previously taken possession of by the Russians. In pursuance of his instructions, Lieut. Schwostoff. in the ship Juno, landed at one of these settlements, and without resistance took possession of 1000 poud of rice, and other provisions and property, and brought them away, together with four of the Japanese settlers. In the following summer, in pursuance of the same

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instructions, Lieuts. Schwostoff and Davidoff, in two ships, proceeded to the Japanese islands Urup and Iturup, overcame the slight resistance that was made to them, and carried off a large amount of stores and property, which were found there. The four Japanese, who were taken prisoners the preceding year, were now set at liberty, and instructed to inform their countrymen, that the Russians had a just claim to these islands. It was in this state of the relations between Russia and Japan, that the events which we are about to notice took place.

In April, 1811, Captain Michael Golownin, the author of the book which forms the subject of this article, who was then in command of the Russian sloop of war Diana, at St. Peter and St. Paul's Haven in Kamtschatka, received instructions from the Minister of Marine to make a minute examination of the southern Kurilian and Shantar Islands, and the coast of Tartary from 53° 38′ north latitude to Ochotzk. In pursuance of these instructions he left the harbour as soon as the breaking up of the ice permitted, and on the 4th of May proceeded to sea. On the 14th he reached the strait of Nadeshda, where he began his survey. Nothing remarkable occurred in the course of the survey until the 17th of June, when he found himself near the northern extremity of the island Iturup. On approaching the shore for the purpose of discovering whether the land made a part of the Japanese island Iturup, he discovered some huts and inhabitants on shore, and thinking them to be Kurilians he sent Midshipman Moor in an armed boat to make inquiries. As he approached the land he was met by a boat from the shore, and although he found it was inhabited by Japanese, he proceeded to the land, contrary to his instructions, and was soon followed by Captain Golownin, in another boat. They found here a number of Kurilians who served as interpreters. The captain held a conference with the governor of the place, who received him civilly, and requested to be furnished with wood and water. The governor was not able to furnish the articles wanted, but promised to give the captain a letter to the governor of Urbitsh, a city near the opposite extremity of the island, where he could be supplied not only with wood and water, but also with rice and fresh provisions. After being hospitably furnished with refreshments, the Russians returned to their ship, and the same

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evening several Kurilians were sent on board for the purpose of being restored to their own country, as appears in the following extract from our author.

'There were two men, two women, and a girl of four years old. The men spoke Russian so well that we could understand each other without difficulty. They brought us the letter from the Japanese commander to the governor of Urbitsh, and assured us that he had informed him, by it, that we had come hither with good and not evil designs, and added that immediately after our departure from the city the Japanese had sent a boat to Urbitsh with similar information. This boat we had ourselves seen. The letter was written on thick white paper, and folded in a cover six inches long and two and a half inches broad. The cover was so arranged that there remained on one side a triangular paper, which was closely sealed at the sides; the upper corner, half an inch in length, was folded over upon the other side, which was also closely sealed. On the top was a stamp of a dark colour. The address was written on both sides. The Kurilians informed us besides, that the Japanese at first could not believe that we had come for any other purpose than plunder, and grounded their suspicions upon the conduct of the Company's ship. Whenever the Japanese spoke of this outrage they said, "the Russians attacked us without reason, killed many men, took several prisoners, robbed us, not only of our property, but took from us almost all our rice and sagi, (a spiritous liquor made of rice,) and left us to starve." The Kurilians informed us that the Japanese were fully convinced, that we wished to do them all possible evil, and that they had long since carried all their most valuable property into the interior of their island. This intelligence was very unpleasant to us.' vol. i. pp. 33, 34.

After sailing from Iturup, Captain Golownin spent three days in surveying the island of Urup. Being prevented by contrary winds from executing their intention of proceeding to Urbitsh, they sailed for Kunashir; on the southern side of which island there was, as they were informed by their Kurilian Alexis, a fine harbour and a fortified town. It was Captain Golownin's desire to survey these, and the channel which separates Kunashir from Matsmai, a channel so little known that on many charts the two islands are thrown into one.

They reached Kunashir the 4th of July. On approaching it, they found the fortifications enclosed with a hanging of black

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and white or dark blue cloth, with broad stripes, so that neither the walls nor palisades could be seen. Whenever they tried to land, they were fired upon from the fort. They therefore attempted to open a communication with the inhabitants by signs.

'On the 6th,' says Captain Golownin, 'I placed before the city, in the water, a cask divided into two parts. In one we placed a glass of fresh water, some sticks of wood and a handful of rice, to show that we were in want of these articles; and in the other some pieces of gold, a piece of scarlet cloth, with some glass ware, and pearls, as a sign that we would pay for the necessaries with gold or these articles. Over them we placed a drawing, which Mr. Moor had very neatly executed, in which the harbour with the fort and the ship, were represented. The guns of the latter could be clearly seen in the drawing, yet they were quiet; while from the fort, they were firing and the balls passed over the ship. In this manner I wished to reproach them for their ill treatment of us. We had scarcely placed the cask, and began to return to the ship, before the Japanese came out, took possession of it, and carried it into the fort. The next day we came within gun shot, to receive an answer, and at the worst prepared for battle, but the Japanese pretended not to observe us. No one appeared from the garrison, which was concealed as before.' p. 53.

Unable to bring on any communication with the fort, Captain Golownin sent Lieutenant Rikord to a fishing village near it. The Lieutenant found the village deserted, took away with him wood, rice, and dried fish, and left various European articles behind as payment. On a visit made in person to the village the next day, Captain Golownin had the pleasure of finding that these articles had been carried away.

'On the 8th of July,' he proceeds in his narration, 'we saw a cask placed before the city. I immediately weighed anchor that we might take it. We found in it a casket, which was wrapped in several pieces of canvass, and contained three papers. One of these was a Japanese letter, which, as we could not read it, was of no use to us. The other two were drawings. On both of which were represented the harbour, the fort, our ship, the cask, a boat rowing toward it, and the rising sun, but they had this difference; in one drawing, the cannon in the fort were firing: in the other the mouths of the guns were turned back. We considered these hieroglyphics for a long time, and each explained them in his own

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way. In one thing we all agreed, that the Japanese wished to have nothing to do with us. I explained it in this way; the first time we approached the fort to place the cask they had not fired on our boat, but if we repeated our visit, we might dread the consequences.

'We now sailed to a little stream, on the west side of the port, and anchored. I sent an armed boat on shore, to get fresh water. Our people were at work almost the whole day on shore without being opposed by the Japanese. They however sent some Kurilians from the garrison, to watch the motions of our men at the distance of half a werst. The following morning, July 9th, our boat again went on shore for water, and was immediately approached by a Kurilian, who came slowly and trembling from the fort. In one hand he held a wooden crucifix, and with the other he crossed himself continually. He had lived some years among our Kurilians, on the island of Rashua, where he was known by the name of Kusma; he had there probably learned the sign of the cross, and knowing the veneration in which the cross is held by the Russians, he ventured under this protection to come and hold a parley with us. Lieutenant Rudakoff approached him first, accosted him kindly, and made him some presents; yet the Kurilian notwithstanding trembled with fear as though he had an ague. I came up immediately, but could not make myself understood, as Alexis had not landed with us. The Kurilian would not wait for him, and feared to return with us on board. I did not think it prudent to detain him by force. He scarcely spoke ten words of Russian, yet I was at length able to understand from his pantomime, that the commander of the fort was willing to meet me in a boat with the same number of people, as I might have, and converse with me. I joyfully acceded to the proposal and left the Kurilian after I had presented him with a string of pearls. This present enlivened him considerably, so that he asked for some tobacco. I had none with me, but promised to bring him some.

'The Japanese had meantime placed another cask before the fort, but so near the batteries, that I considered it rash to take it. No one yet came out to meet us from the fort, but they beckoned to me, with white fans, to land. From this I concluded that I had not rightly understood the Kurilian, but as I was about to row back again, a boat pushed off from the shore with an officer and a Kurilian interpreter, and came towards us. They had many more men than we had on board, but as we were well armed, we had no reason to fear them. The conversation began on their side with an excuse for having fired on us, as we approached the land. They gave as a reason for it, the mistrust they had of us in consequence of

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the outrages, which had been committed some years since, by two Russian ships, whose crew at first had landed, under the same pretence as ours. But as they now saw our conduct was very different from theirs, all suspicion toward us had vanished, and they were ready to serve us with every thing in their power. I commanded our interpreter, Alexis, to assure them, that those vessels were merchantmen, and committed these depredations of their own accord, and without the sanction of government; and that both of the comanders, had not their death prevented, would have been punished for their conduct. I endeavoured to convince them of the truth of this, in the same manner, as I had previously the Japanese of the island Iturup. They answered that they believed it all, and rejoiced to hear of the good feelings of the Russians towards them. To my question whether they were satisfied with the compensation we had left in the fishing village for the articles we had taken, they answered, that they considered what we had carried away as a trifle, and thought we had left more than it was worth. They assured me again, that their commander would supply us with every thing in his power, and inquired what we were now in want of. I asked ten sacks of rice, some fresh water, and vegetables, and begged them to state the number of dollars which we should pay for them. They desired me to come on shore to speak with the commander of the city, but I evaded doing it, at this time, and promised to come the next day, when the ship should be nearer land. According to my promise, I had brought with me some tobacco for Kusma, but the Kurilians dared not to take it, without the permission of the Japanese officer, which the latter refused to grant.' pp. 54—59.

On the 10th of July they had taken on board all the wood, water, and provisions necessary for their voyage, but the wind was not fair for them to sail. The Japanese sent out a boat, and intimated by signs that they wished to speak with them. They also placed in a cask all the articles the Russians had given in payment for what they had taken. Captain Golownin added to these eighteen dollars and some East India silk handkerchiefs, and was about to return, but they beckoned to him earnestly to come on shore. After some deliberation he concluded to land, and went with some sailors on shore. Here he was met by several Japanese officers and conversed with one of them for some time, thinking him the first in command. He explained to this officer as before, the nature of the expeditions against the Japanese islands. They urged him to go into the garrison, and see their commander.

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This he declined doing, but promised to bring his ship nearer the shore, and then to comply with their request. After receiving some tokens of friendship from the Japanese, he returned to the ship and sent a boat to get some fish which had been promised him. They sent him word that they expected a visit from him the next day, and desired that he would bring with him some of his officers. Captain Golownin here states at length the reasons which induced him to accept the invitation, to go again on shore, which it is not necessary for our purpose to repeat.

'On the 11th of July, at eight in the morning, I landed with Messrs. Moor and Chlebnikoff, four sailors and the Kurilian, Alexis. I was so perfectly convinced of the friendly disposition of the Japanese, that I had not commanded my men to take arms. The two officers and myself had only taken swords, and Mr. Chlebnikoff had also with him a little pocket-pistol, more for the purpose of giving a signal in case of a fog, than for defence. As we passed the cask, mentioned above, we looked to see if our articles were removed, but found them all there. I recollected Laxman, and ascribed this to the custom of the Japanese, which does not allow them to take any presents, till the negotiations are ended. At last we landed near the fort. The ojagoda and two officers, the same I had seen the day before, came to meet us. They prayed me to wait on the beach till the fort was ready for our reception. Feeling a perfect confidence in the Japanese, and wishing to remove all ground of suspicion, I had our boat drawn half on shore, and left one sailor behind with it. The other sailors I employed to carry the stools and the presents intended for the Japanese. We waited from ten to fifteen minutes on the shore, during which time I conversed with the ojagoda and his companions. I asked them the situation of the coast of Matsmai, and the state of their trade with the principal island Niphon. But I remarked that they did not answer my questions very readily. As I entered the gate I was astonished at the number of people assembled there. On the right of the gate sat in a circle, at least three or four hundred soldiers, armed with muskets, arrows, and spears, and placed about a large open space. On the left, a great multitude of Kurilians surrounded a tent of cotton striped cloth, which was pitched about thirty paces from the gate. I should never have thought it possible, that this little, unimportant fort could have contained so many armed men, and I think that they must have been collected from all the neighbouring places since we made our appearance in the harbour. We were immediately conducted into this tent, where directly oppo-

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site the entrance the commander was seated on a stool. He was dressed in a costly silk garment, and a complete suit of armour, and had in his girdle two sabres. Over his shoulder hung a long white silk cord, at one end of which was a tassel of the same material, and at the other a steel staff, which he held in his hand, and which appeared to be the symbol of his power. Behind him, on the ground sat his armour-bearers, one of whom held his spear, and another his musket; a third held his helmet, which was similar to those we had seen worn by the other officers, except that those had the moon represented on them, while his had a representation of the sun. At our entrance, both the commanders rose, we saluted them after our custom, and they returned the salutation. They desired us to be seated on the bank, directly opposite to them, but we placed ourselves on our stools. Our sailors took their places on the bank behind us. After the first civilities were over, they entertained us with tea, without sugar, in cups, which according to the Japanese custom were only half filled, and were handed us without saucers, on wooden lackered waiters. We were previously asked, whether we would have tea, or preferred any thing else After tea, pipes and tobacco were offered us, and conversation commenced. They asked us our rank, our names, the name of our ship, whence we came, whither we were sailing, why we landed on their shore, what reasons the Russians had for attacking their villages? Further, whether we knew Resanoff, and where he now was. All these questions we answered in the same manner we had done before. The under Japanese officers wrote down all our answers.

'They now declared that in order to provide the necessary quantity of provisions they must know the exact number of our crew. Ridiculous as some of their questions were, they had their reasons for asking them. We considered it necessary to magnify our force, and stated it at nearly double, at 102 men. As Alexis could neither understand nor express this number, I was obliged to draw so many strokes on paper with a lead pencil, and gave it to the Japanese to count them. They farther asked us whether we had many ships as large as the Diana in the waters. Very many, we answered, in Ochotzk, Kamtschatka, and America; to these they added several unimportant questions, respecting our clothes, customs, &c. They examined the map of the world, the ivory handled knives, the burning glasses, which we had brought as presents to the commander, and the dollars with which I wished to pay the Japanese the sum they should name. While we were conversing, Mr. Moor remarked that there were some naked swords distributed among the soldiers, who were seated about the open square. He communicated this immediately to me, but I

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thought he might have seen some sword accidentally drawn, and asked him, laughing, whether he was not mistaken, as the Japanese always wore their sabres, and certainly now had no reason for drawing them. I thought I had made him easy by this, but soon some circumstances raised in us the suspicion, that they had some bad design on us. The under officer absented himself for some time, gave several orders, returned, and whispered something to the commander, who rose and would have gone out. We also rose and offered to take our leave of him; and I again asked him the price of the provisions, and whether he was resolved to return the money to us as before. On our motion to go, he sat down again, besought us to do the same, and ordered the dinner to be served, although it was quite early. We accepted his invitation, and anxiously waited to see what was to follow, as it was now too late to get well out of the snare; but the friendly conduct of the Japanese, and their assurances that we had nothing to fear from them, quieted us again, so that we had no suspicion of their treachery. They regaled us with rice, fish, dressed with a green sauce, and other agreeable dishes, of which we did not know the ingredients.

'The commander now rose to go out on some trifling pretence, and I declared to him that I could not remain any longer, and must return on board. He answered immediately that he could not supply us with any thing, without the permission of the governor of Matsmai, to whom he was accountable, and that one of us must remain as a hostage in the garrison till an answer to his report arrived. The Japanese now began to throw off the mask. To my question, how long it would take to send the report to Matsmai, and to receive an answer, he replied fifteen days. I considered it dishonourable to leave an officer behind for so long a time as a hostage, and besides, I thought that with a people like the Japanese, it was impossible to see the end of the thing. The governor would perhaps do nothing without referring to the general government, and I should be consequently delayed till winter, for a decisive answer. I replied to the Japanese, that I could not wait so long without the advice of the officers remaining on board, and that I could not leave behind me an officer. Upon this we all rose to depart. But suddenly the commander, who had before spoken gently and politely, changed his tone, spoke very loud and warmly, often mentioned Resansto (Resanoff) and *Nicola Landregetsch*, (for so he denominated Schwostoff, the commander of the company's ship,) and struck his sword several times. In this manner he made a long speech, of which the affrighted Alexis could only repeat to us, that the commander had declared, that before one of us should leave the fort, his own body should be hacked to pieces. This was short and conclusive.

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'We immediately sprang out, to reach the shore. The Japanese raised a loud shout, but dared not attack us, though they threw after us oars and pieces of wood, in order to strike us down. When we had reached the gate, they fired several times upon us, but we were not injured, although some balls passed near the head of Mr. Chlebnikoff. They succeeded in detaining Mr. Moor, Makaroff, one of the sailors, and our Kurilian Alexis within the fort. But we sprang forward and reached our landing place. Here, to our grief we found that during our stay of three hours in the fort, the water had ebbed nearly five fathoms, and left the boat on dry land. The Japanese immediately saw that it was impossible for us to make it float, and as they had before seen that there were no arms hidden in it, they took courage, advanced to us with large sabres which they held in both hands, with muskets and spears, and surrounded us near the boat. I cast one glance upon the boat, and seeing there was no possibility of escape, gave myself up. The Japanese took me under the arms, and led me into the garrison, where my unhappy companions were detained. On the way, a soldier struck me several times on the shoulder with a little iron staff, but upon one of the officers speaking to him with an angry look, he desisted immediately.' pp. 67—74.

They were thus carried back to the fort, and thence to a kind of barrack, where they were very carefully bound; their hands, elbows, knees, and calves of their legs being tied together, and a cord tied about their necks and fastened to a beam over their heads, in such manner that they could not sit down. All of them were tied alike, and with precisely the same number of knots, so that the Japanese seemed to do this, as well as every thing else, by rule. They were soon taken from this place, and sat out on their march to the city of Chakodade, in the island of Matsmai, the cords being first taken from the calves of their legs, and those about their knees loosened. Each prisoner was led by one person, and had a soldier by his side. On ascending a rising ground, they saw their ship, which was left under the command of Lieut. Rikord, under sail, and soon heard a cannonading, the result of which they never learned from the Japanese. Rikord found that his guns were much lighter than those of the fort, and soon desisted from the attack. The prisoners were conducted in the manner above described, on foot, and most strictly guarded, till they came to the strait between Kunashir and Matsmai. They were carried over this strait in boats, and coasted along the shore of the latter island several days, pas-

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sing at short intervals large and populous villages situated on the coast. On the 16th of July they proceeded again on foot, and from this time their escort increased to a hundred and fifty or two hundred men. They advanced by regular journies, till they reached Chakodade on the 8th of August. A great number of persons of both sexes came out to meet them, and they entered the city in solemn procession. They there found still greater numbers assembled to see them, so that the guards found it difficult to force a passage through the narrow and crowded streets. They were conducted by a cross street to an open field, where a building had been erected for their reception. This building was large and dark, with separate apartments for each prisoner, and was surrounded by palisades, and beyond the palisades by a wall of earth. The prisoners were further secured by a guard, which kept a constant watch before their dwelling.

In the Japanese villages, which they passed, on their journey to this city, they observed every where a remarkable neatness. The people were active, and appeared contented and gay. The prisoners were every where the objects of a most lively curiosity. The people at every station assembled around them, and asked a thousand questions, and on receiving an answer, they carefully wrote it down: evidently holding that the right of keeping a journal is by no means confined to the traveller, but that the good people among whom he travels have a right to keep theirs too. What a sorry figure would not the worshipful fraternity of English travellers in America cut, if we imitated this laudable Japanese practice. The Japanese, moreover, according to Capt. Golownin, were constantly inquiring the Russian names of things, and each person formed, from the answers obtained, a little lexicon. The village of Onno, seven wersts from Chakodade, is described as particularly beautiful. It is situated in a valley, is surrounded on three sides by mountains, and appears to stand in the midst of a vast garden, every house being surrounded by a spot of land in which kitchen vegetables, and a great variety of fruit trees are cultivated.

The Kurilians of Matsmai are more stoutly built, and in every respect a superior race of people to those of Iturup and Kunashir, or of the Russian Kurilian Islands. Their language, also, is quite different; so that Alexis, and the Kurilians of Matsmai, could with difficulty converse together. Yet

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they retain a sufficient resemblance in dialect, person, and manners, to prove that they sprung from a common stock.

Our author observed the peculiarity among the Japanese, that the left hand has the preference over the right. This he remarked every where, and he was told that it was universal; without, however, hearing any reason given for it. He observed also that the Japanese had a great number of physicians. A physician was appointed to attend on the prisoners as soon as they arrived in Chakodade, and he repeated his visits daily. He was a man of extensive knowledge, and was particularly skilled in geography. He had a finely engraved globe, and several manuscript maps of the Japanese possessions, which he frequently showed to his Russian patients, and by the aid of them he answered their inquiries relative to the country.

Two days after the arrival of the prisoners at Chakodade, they were conducted through the city to a large hall, where they underwent a long and minute examination. As they passed through the streets, the houses were thronged with spectators. They observed for the first time, that almost every house contained a shop, in which a great variety of wares was exposed for sale. The forms observed on their presentation to the governor, and in the examination, on this as well as on a variety of other occasions, are particularly described by the author. Our limits do not permit us to make an extract of these details, though it is these, which give the principal interest to the narrative, and besides, serve to elucidate the character of this singular people.

They were asked their names, ages, places of nativity, the names and ages of their parents and relations, whether they were married, and had children, the distance from St. Petersburg to the city in which they dwelt, their stations, and duty on board their ship, and many other questions equally minute. Their answers were carefully written down by two secretaries. At their second examination, they were told that their answers had been sent to the governor of Matsmai, and that he had ordered the affair to be most diligently inquired into. The following is an extract from the account of the first examination.

'At last the commander desired to know whether the religion of the Russians had not been in some degree altered; inasmuch

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as Laxman wore a long queue and stiff hair, which he strewed over with flour, while ours was on the contrary cut short. As we answered that the manner of wearing the hair was not a part of our religion, the Japanese laughed, and wondered not a little that there existed no law respecting this. They however wrote down our answers as before. In concluding, they ordered us to relate to them and point out to them on a chart, where and when we had sailed since we left St. Petersburg. For this purpose they gave us a chart, drawn from the Russian Academy's globe, made in the time of the late empress.' p. 140.

The second examination consisted of a series of questions relative to Resanoff's expedition and subsequent history. On the third examination, besides other questions were the following.

'Did we not know of Laxman's embassy and the answers he received? Whether we knew the answers which were given to Resanoff's propositions in Nangasaky? Why we approached their coast, since the Japanese had forbidden the Russians to do so, and had declared to Resanoff that they had a law, which obliged them to burn all foreign ships coming into any port, except Nangasaky, and to hold the crews in perpetual imprisonment?' p. 150.

After having undergone five examinations, at different intervals, before the governor of Chakodade, they were sent to the city of Matsmai. They set out on this journey September 27, and were conducted in nearly the same manner as when they came from Kunashir. The author describes a battery which he observed on a height, at the entrance of the bay of Matsmai, on which were mounted several brass and iron cannon, the latter of which appeared to have been cast in Europe. On this part of the island the villages were more frequent, as well as more populous, than on the parts which they had previously seen. They accomplished this journey in three days. They here also found a house specially built for their accommodation. Two days after their arrival they were brought before the governor for further examination, and remained with him some hours. He proved to be a man of great humanity, and exhorted them not to give themselves up to despair, but to pray to God, and to wait patiently the end of their trials. He assured them that he would use all his influence with the emperor to hasten their liberation, and

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gave them ink and paper to draw up a memorial, which he told them should be translated into Japanese. In making this translation Alexis, and a new interpreter assigned them, named Kumaddshero, united their labours. The account of their progress in this great work is one of the most amusing portions of the work before use.

As we have already seen that Alexis' qualifications as a linguist did not go so far as to count 100, we may imagine the embarrassment of the Russian prisoners. 'For we endeavoured,' says our author, 'as much as possible to make use of such words and phrases only as were known to Alexis. This made the style of our paper singular enough.'

'Notwithstanding our effort, it sometimes happened that we could not make Alexis comprehend our ideas, or if he comprehended them, he could find no words or expressions in the Kurilian language to convey them to the Japanese. The following is the manner in which Kumaddshero proceeded. In the first place, he asked us the Russian pronunciation of every word, and wrote this in Japanese letters over it. He was prepared with a sheet of paper, and asked the meaning of every word by itself, and wrote it, in the same manner, in Japanese over it. In this way we had not a little trouble with him. He was a man of about fifty years old, exceedingly stupid by nature, and without any idea, not merely of the grammar of any European language, but of any grammar in the world. If by means of Alexis, or by signs, we explained to him a word, he listened attentively and said to every thing o-o-o, which appeared to mean as much as, "yes, indeed, I understand." If in this way we had spent an half hour or more in demonstrating to him a word, and thought that at last he fully understood it, he would turn and ask us the definition of it again, and insist that he had not the least conception of it. We often lost our patience entirely and spoke harshly to him. But he would laugh, and excuse himself by saying that he was old, and that the Russian language came exceedingly hard to him.'

Honest Kumaddshero seems to have been infested with a lurking republican feeling, such as was not to have been expected, in a subject of his most despotic majesty of Japan.

'The word *imperial*,' proceeds our author, 'employed him two whole days, before he could understand it. Two hours in succession we explained it to him, and made use of all possible examples. Alexis too, to whom the word was known, did his best. The Japanese heard, laughed, and grumbled out his o-o-o-o; but

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scarcely had we finished, when he would say: I can understand easily what emperor is, but imperial, imperial, I cannot comprehend that. The prepositions and conjunctions could not be made by any means to enter his dull head. It appeared to him wholly incredible that they should be placed before the principal words to which they refer, and which in the Japanese language they always follow. He was exceedingly surprised at this, and would not believe it possible to express one's self with any degree of propriety in a language which, in his opinion, was so barbarous and defective. If he had at last made out the meaning of the words, he then began upon the formation of the sentence. And here was a new and sore difficulty. He would by all means insist, that the Russian words should follow each other in the same order, as in the Japanese translation, and required us so to place them, without seeing what absurd and incomprehensible nonsense would follow. We assured him that it could not be so, but he maintained that his translation would be considered incorrect, if with him a word stood at the end which we placed at the beginning, &c. At last, after long discussions and disputes, we besought him to call to mind the Kurilian and Japanese forms of speech, and see if the words in both languages followed in the same order. I know very well, said he, that this is not the case. But the Kurilian is the language of a people almost savage, who have not even the art of writing. But in Russia they write books. We laughed not a little at this remark, and he joined us. At last we gave him our word of honour as a pledge, that there were many European languages, in which, though there were a number of words in common, yet the order in which they were placed was totally diverse; and this was the case with the Russian and Japanese. This satisfied him. Now that he had obtained an idea of our sentences, he sought for Japanese expressions which signified the same, and troubled himself no farther about the order of the words. But if he met with a sentence in which the words actually followed in the same order, he was highly gratified. Nay, if there were Japanese words, which could be arranged in the same manner as ours, he would joyfully write them down, even if they conveyed an entirely different sense, and it was not without the greatest unwillingness that he would alter them when we found he had not understood us aright.' pp. 207—210.

Among the questions asked at one of the examinations they inquired what kind of hat the emperor of Russia wore, and begged Mr. Moor to draw a picture of it. They inquired what kind of horse the emperor rode, and how many persons accompanied him. They asked how many cannon were

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mounted on the imperial palace, and on being told that the European monarchs did not fortify their palaces, and did not surround them with cannon, they would not believe it. When they were afterwards convinced of this fact, they were greatly surprised, and considered it very improvident.

Lieut. Rikord, before leaving the Japanese coast in the ship Diana, sent on shore a letter addressed to the imprisoned Russian officers, in which he declared his intention to return to Ochotzk, and to come back with an additional force to attempt their liberation. He sent on shore also with the letter, some clothes, razors, and a trunk of books. This letter was not shown them until after they had arrived at Chakodade, when they were required to translate it into Japanese. This they did with some variation of the parts which might have given offence.

A part of the story is contained in the narrative of Lieut. Rikord, which is published in the second volume. He there describes his voyage to Ochotzk, and a journey which he undertook in the following winter for the purpose of obtaining instructions of the Minister of Marine at St. Petersburg, for proceeding to the relief of his imprisoned countrymen. He learned however at Irkutzk, on his way to Petersburg, from the governor of Siberia, that an account of the disaster had been sent to the government, and received orders to return to Ochotzk, and proceed in the Diana to complete the survey of the coast, and at the same time to make inquiries at the Island of Kunashir of the fate of the prisoners. While on his journey, he found at Irkutzk a Japanese, named Leonsaimo, who had been six years in Russia, and had been treated with great attention and kindness, for the purpose of showing the friendly disposition of the Russian government to Japan. This person, with five other Japanese, who had been shipwrecked on the Russian coast, he took on board his ship, and as soon as the necessary repairs could be make, sailed from Ochotzk, July 22, and arrived off the coast of Kunashir on the 28th of August. He was accompanied on this voyage, for greater security, by the transport ship Sotik.

On reaching the harbour where they met with the disasters of the preceding year, and which they had named the Bay of Treachery, they observed a new double battery of fourteen guns. The whole city, on the side toward the sea, was hung with striped cloth, so that nothing but the roofs of the houses

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could be seen, and all the boats were drawn upon the shore. They sent a letter on shore, addressed to the governor of the island, announcing that notwithstanding the treatment of the officers of the Diana, the governor of Irkutzk had sent home all the Japanese wrecked on the shore of Kamtschatka, and trusted that in return all the Russian prisoners would be given up; that if this was refused, the ships would be sent back the next summer to demand them. This letter was translated into Japanese by Leonsaimo, whose fidelity they had much reason to doubt. After waiting some days without an answer, and sending on shore successively, two of their Japanese passengers as messengers, without obtaining any satisfactory information, they were under the necessity of despatching Leonsaimo, as their ambassador, although at the risk of losing their only interpreter. He returned after a day's absence with the intelligence that Golownin and all his companions were dead. They were unwilling to believe this intelligence, and after watching a long time for the purpose, succeeded in capturing a large Japanese ship, the commander of which proved to be an intelligent and amiable man. He informed them that Golownin, and his five companions were all living, and in the city of Matsmai.

Rikord resolved on carrying back with him to Russia this Japanese captain, whose name was Takatai Kachi, and who appeared to be a person of higher rank than they had before seen. He submitted to this measure with a very good grace, on being promised that he should not be required to leave the Russian commander, and that he should be restored to his country the following summer. Takatai Kachi was required to select four of his own sailors to accompany him, and the remaining Japanese who had been brought from Kamtschatka, as they could not speak a word of Russian, were put on shore. He was also required to write a letter explaining the cause of his detention and to send it on shore.

On board the captured ship was a lady, the inseparable companion and favourite mistress of Takatai Kachi. This being the only Japanese woman of whom we have any notice in these volumes, we copy at length the account of her visit to the Russian ship.

'She was curious to see our ship and the strange people, whom she considered as enemies. It was no less interesting to us to

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see a Japanese woman. When she first came on board she appeared excessively alarmed. I desired Kachi to lead her into the cabin, and took her other hand myself. At the door, she wished, after the Japanese custom, to take off her straw shoes, but as there was neither carpet nor mats in the cabin, I made her understand by signs that she need not give herself this trouble. On entering, she laid both her hands open upon her head, and bowed very low. I led her to an arm chair, and Kachi explained to her the use of it. Fortunately for our unexpected visitor we had on board a pretty young woman, the wife of our under surgeon. At sight of her the Japanese took courage and appeared more at ease. An acquaintance was soon formed between them. The surgeon's wife tried to converse with her on a subject which generally interests ladies, and showed her the dress of Russian women. The Japanese, who seemed to be a lady of fashion, looked at every thing with the greatest curiosity, put on some of the articles, and showed her astonishment by a hearty laugh. She appeared most pleased with the white complexion of our lady, laid her hand upon her face, as if she doubted that it was the natural colour, and cried often *iooi-iooi*, pretty, pretty. I observed that the Japanese was pleased with her new dress, and held a mirror before her. She was astonished at the difference of her complexion from that of the the Russian lady, who was behind her, and pushed away theglass, saying, *wari, wari*, not pretty, not pretty. She had, however, a very agreeable appearance. Her face was rather brown, and long, regular features, a little mouth, with shining black lackered teeth. Her narrow black eyebrows, which seemed drawn with a pencil, shaded two brilliant eyes of the same colour, which were but slightly sunk in the head. Her dark hair, arranged in the form of a turban, had no other ornament than tortoise-shell combs. She was of middling size, thin, and well formed. Her dress consisted of six garments made of silk, thinly wadded, something in the form of our night-gowns, very wide, and confined very low with a girdle. Below the girdle the clothes hung very full. The upper garment was dark, the rest of various colours. She spoke slowly, her voice was rather melancholy. She appeared to be about 18 years old. We offered her tea and gingerbread. She ate and drank with great pleasure. At her departure we made her some presents, with which she was highly pleased. I told the surgeon's wife to kiss her. When she saw her intention she met the salute, and laughed heartily. She went on shore in the boat, which carried Kachi's letter to the governor of the island.' vol. ii. pp. 189—191.

The two Russian ships sailed out of the harbour on the 11th of September, with Kachi and his four sailors on board.

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They were fired upon from all the batteries, but received no injury. In October they arrived at St. Peter and St. Paul's Haven, and were there shut up for the winter.

Golownin and his companions in the mean time had no distinct intelligence of the exertions, which their friends were making to obtain their deliverance. Their hours passed heavily at Matsmai, and all the arguments, by which they endeavoured to obtain their liberty, seemed thrown away upon the whimsical people who held them in captivity. They once escaped from their imprisonment, but after wandering in the mountains through the day, and on the sea shore during the night, for the space of ten days, in the hope of finding a boat in which they might embark, they were discovered, carried back to Matsmai, and confined for two months in the city prison. They were told that by the Japanese law, if they had not been retaken, the governor of Matsmai, and all the persons in whose custody they were, would have suffered death. They were finally restored to their former residence, and continued to receive the kindest treatment from the governor. In September the letter of Rikord to the governor of Kunashir was shown to them, and also one addressed to Golownin. These were translated into Japanese and immediately sent to Jeddo. Their hopes of immediate release were soon disappointed, by the intelligence that Rikord had captured a Japanese ship, taken several prisoners, and returned to Russia. Another winter passed away, during which the prisoners learned from their interpreters that their cause was the subject of constant discussion at Jeddo. During this time they were in a state of most anxious suspense; their alarm was increased by the falsehoods which were told by Leonsaimo. Arrao Madsimano Kami, who during their captivity was removed from the governorship of Matsmai to a higher post, had from the beginning shown them great kindness. And they learned from their old interpreter, Tesky, now his secretary, that he had exerted himself very much on their behalf.

'The Japanese government,' says Golownin, 'had, as Tesky assured us, come to the conclusion, to listen to no friendly explanations from the Russians, since after all that had taken place, they thought they had nothing to expect from them but falsehood, deceit and hostility. Arrao Madsimano, however, convinced them that they could not judge the laws and customs of other nations by their own, and brought them at last to the conclusion

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of negotiating with the nearest Russian commander, upon the state of things. When the government demanded that the Russian ship should only enter the port of Nangasaky to make their explanation, he opposed this, and declared that the Russians, from this demand of the Japanese, would imagine that another surprise was intended for them ; for how could they believe that the Japanese were going fairly and honourably to work, if they demanded that the Russian ship should take so long a voyage, to arrange a business which could be done much nearer and quicker in some port of the Kurilian Islands. The government objected to this that they could not, without a breach of their laws, permit the entrance of a Russian ship into any port, except Nangasaky. But he replied to them in the following impressive manner. If the sun, moon, and stars, the work of the Almighty, are subjected to changes in their course, the Japanese ought not to consider their laws, formed by weak mortals, perpetual and unchangeable. In this way he prevailed on the government to give orders to the new governor of Matsmai to enter into negotiations with the Russian ship, without demanding that they should sail for this purpose to Nangasaky. Tesky assured us, that no other of the Japanese nobility would have dared to make such a representation to the government. But Arrao Madsimano, who, on account of his great understanding and his virtues, was universally known and beloved by the people, did not fear to speak the truth ; besides, he was son in law of the governor of the capital, a dignity which was only granted to those who approached near the Emperor, and also a half brother of one of the Emperor's favourite mistresses. The last reason, according to our European customs, would be a sufficient explanation of his influence.' pp. 379, 380.

After this determination, orders were given to the commanders of the seaports, to receive the Russian ship on its return in a friendly manner. And the prisoners were permitted to write a letter to their friends on board the ship, assuring them of their health and safety. This letter was translated into Japanese, and sent to be examined at Jeddo.

Rikord with Kachi passed the winter at St. Peter and St. Paul's Haven, where the latter was much surprised to find himself quite at liberty On the 23d of May, 1813, Rikord put to sea in the Diana, and reached the Bay of Treachery in twenty days. The garrison was hung about with cloth as before, and they were not fired on by the batteries. They sent the two Japanese sailors ashore, and the next day Rikord and Kachi landed. They were met by their Japanese messengers,

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who had been kindly received; there were in the fort three officers, the two oldest were Kachi's friends. Rikord returned to the ship, and Kachi proceeded to the fort, promising to return next day. He returned at the promised time, and brought the intelligence that their countrymen were all well. By the advice of Kachi, Rikord sent him with a proposal to the governor, that Rikord should sail directly to Chakodade, and that the governor of Kunashir should allow two Japanese to accompany him, that he might enter at once upon the negotiations. This the governor declined, but promised to send their proposal to Matsmai, where he had also sent their first letter the day of their arrival, and informed them that there were interpreters in Matsmai, and that the post went and returned in twenty days. They concluded to wait the result of this, and during this time they desired permission to examine the bay in boats. This was refused, though very politely, by the governor.

July 20. Kachi brought them the letter from their imprisoned countrymen, mentioned above, which was dated Matsmai, May 20, 1813. July 16, they were visited by the Kurilian Alexis and one of the imprisoned sailors, and were informed by Kachi, that an officer, Takahassi Sampey, was employed to negotiate with Rikord; and this officer informed him, by Kachi, that it was not in his power, according to the Japanese laws, to meet the Russian officers on board his ship, but he communicated by Kachi the following propositions.

1. The Russians must, by their official letters to the Japanese government, signed and sealed by two commanders, give a proof that the attack of Schwostoff upon the Kurilian Islands and Sachalin was entirely without the knowledge and consent of the Russian government.

2. It is known that Schwostoff by his attack disturbed the quiet of the people, and carried away with him to Ochotzk rice and other articles belonging to individuals, and that he also had taken some warlike munitions, consisting of armour, arrows, muskets, and cannon. Respecting the first named articles, the Japanese were sensible that they must have long since been useless. But the last, from their nature, could not have been entirely ruined; and the Japanese government insisted on their being returned, lest in time to come they might be considered as trophies, which the Russians had obtained by right of conquest. But although they could not be

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injured by use, yet they might not perhaps be now in Ochotzk, and it might be difficult to collect them. For this reason, the Japanese government would be satisfied, if the governor of Ochotzk gave them a declaration, that none of the articles brought by Schwostoff from the Kurilian Islands and Sachalin, could be found upon the most diligent search in Ochotzk.

3. Respecting what had happened the year before, in consideration of the circumstances existing at the time, the Japanese government consider the conduct of Rikord as justifiable. The Japanese government have been assured by Takatai Kachi, that he went of his own accord to Kamtschatka.

4. To conclude, Takahassi Sampey hopes that it may be possible for the Russian ship to return from Ochotzk to Chakodade, with the testimonials and explanations required by the Japanese government this summer, where he will with another officer await her return, to receive these testimonials with the regular solemnities. He assured them, that the liberation of the prisoners was desired at Jeddo, and added his wishes that the Russian ship might have a prosperous voyage and quick return to Chakodade.

July 29, they left Kunashir and reached Ochotzk in fifteen days. Here Rikord received from the governor of this place, the testimonials required by the Japanese government, and an explanation of all that related to the affair, in a letter from the governor of Irkutzk to the governor of Matsmai; he took with him, also, a Japanese from Irkutzk, as interpreter, and sailed again for Japan, August 11. The 22d, he entered Vulcan's Bay, and steered for the port Edomo; a boat came out from the shore, and those on board informed him that they had orders from the governor of Matsmai to pilot the Diana into Chakodade. She was taken into Edomo, supplied with fresh water, &c. and the 27th they reached Chakodade. On their arrival, the whole city was hung with cloth, and in the bay they saw six places hung in the same manner, probably batteries. The 29th Rikord went on shore and delivered his letter from the governor of Ochotzk to the under officers, to be delivered to the governor. The forms, on occasion of his landing and meeting the officers, are amusing, but we have not room for them. They were not permitted to see Golownin and his countrymen at this time. The 30th Rikord went on shore and was allowed to see Golownin. October 7, he went

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again on shore. He met the imprisoned Russians dressed in great splendour, by order of the Japanese, in presence of the same officers and with the same ceremonies as on his first visit. At last he received in a solemn manner, from the Japanese officers appointed to negotiate with him, his imprisoned friends and the papers from the Japanese government, for which he returned the Russian papers. They were then feasted after the Japanese manner. At two o'clock they took leave of the Japanese, and returned on board the ship accompanied by some of their friends and a vast number of spectators of both sexes. The ship was surrounded with boats. They were now supplied with fresh water, wood, rice, salt, and other provisions. Although the Russians declined taking them, as they were not in want of any thing; the Japanese assured them that it was their duty to provide the liberated prisoners with support sufficient for their return to Kamtschatka. The Japanese women were not allowed to come on board, though there were many in the surrounding boats. The Russians sent them some trifling presents by the men, which they accepted. The Japanese officers refused all presents, except some portraits of Russian heroes. These they consented to take, without the glasses and frames, which they seemed to think of great value.

October 10th, the Russians left the harbour, and arrived in Kamtschatka November 3d. During the imprisonment of Golownin and companions of more than two years they received no intelligence of any kind from Europe. They awaited with the greatest impatience the return of the sailor, who, with Alexis, was permitted to go on board the Diana the spring before they were set at liberty.

'But this man was in the strict sense of the word a dunce. Turks and Frenchmen were all the same to him. He had never troubled his head with political or military affairs. He could only tell us that the French with three other nations, whom he could not recollect, had made an attack upon Russia, had suffered a defeat near Smolensko, in which many thousands wers killed. The remainder with Bonaparte suddenly crossed the Dwina. But when all this happened, who commanded the armies, and how it ended, all this he had forgotten. He could however, for our consolation, tell us that Fomka Mitrofanoff was married, that Seniuschka Chlebalkin was dead, and other important affairs of this sort, which he related to the great delight of his comrades

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with as much minuteness, as if he had himself attended the wedding and burial.' pp. 414, 415.

We have been so long occupied with the personal narrative of our author, that we have little room left to notice his geographical remarks. His work however adds a good deal to our stock of authentic information respecting the empire of Japan.

The population of Japan has hitherto been estimated at from 35 to 50 millions. Golownin confirms the idea of its vast population.

'It was impossible for me,' says he, 'to learn the exact population of the empire of Japan. As many millions of the poor people have no fixed place of residence, the government consider it impossible to enumerate them. We were shown a map of Japan, which was drawn on a very large sheet of paper. On this map not only all the cities but the villages were laid down, and the names of them entirely covered the paper.'——'A scientific Japanese with Tesky, brought us a plan of the capital city, Jeddo, and told us that a man could not walk from one extremity of it to the other in a day. We questioned them about the population, and they assured us, that it contained over 10 millions, and insisted on this when we appeared to doubt it. They brought us the next day some notes taken by one of their officers, who had served among the police in Jeddo. In these he says that this city in its principal streets has 280,000 houses, and in each of these from 30 to 40 persons. If 30, the number of inhabitants must amount to 8,400,000. Add to this, the inhabitants of the little houses and huts, those who live in the open air, the imperial guard, the guards and suite of the princes in the capital, and the number of inhabitants must far exceed 10 millions. In support of their assertion, the Japanese stated that in Jeddo alone there were 36,000 blind men.' vol. ii. pp. 128, 129.

The author considers the Japanese one of the most enlightened people in the world. For although they fall below the Europeans in the higher branches of science, some degree of learning is universally diffused.

'The Japanese make use of two kinds of writing; 1st, the Chinese, in which almost every word has a separate sign. These signs, the Japanese say, they borrowed some thousand years ago from the Chinese, so that the name of a thing, though when spoken it is very different in Chinese and Japanese, would be express-

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ed in writing by the same sign. This sort of writing is made use of in works of a higher kind, in official papers, in the correspondence of the higher classes. 2d. An alphabet peculiar to the Japanese consisting of forty-eight letters, which is made use of by the lower classes of the people. There is no man among the Japanese, however inferior his station may be, who does not know how to write in this way, and they were very much astonished that of our four sailors not one could write.' vol. i. p. 187.

'The Japanese are exceedingly fond of reading. Even the common soldiers on guard read almost incessantly. This was rather unpleasant to us, as they always read aloud and in a singing tone, nearly like that in which the psalm is read with us at a funeral Before we became accustomed to it, it prevented our sleep in the night. National history, descriptions of civil commotions and wars with the neighbouring people, are the favorite reading of the Japanese. All these books are printed in Japanese. They do not make use of leaden types in printing, but the letters are cut in blocks of hard wood.' vol. i. p. 274.

The Japanese in summer as well as winter burn fire on the hearth from morning to evening. Men and women sit round it and smoke tobacco. The tea-kettle is never taken from the fire, for tea is the standing drink for the quenching of thirst. If they have not that, they take warm water, for they never drink any thing cold. Even their sagi they prefer warm.

We add the following extract for the benefit of such English or American navigators, as may have occasion to approach the Japanese coast.

'Tesky related to us an adventure which had extremely enraged the Japanese government against the English, so much so, that if an English ship were now to appear on their coast, they would treat it in the same manner they had done ours.

'One or two years after the departure of Resanoff, a great ship under Russian colours appeared at the entrance of the port of Nangasaky. Some Dutch and Japanese were immediately sent on board by the governor. The first all but one were retained, but the latter were sent back with the remaining Dutchman to declare that it was an English ship and that on account of the war existing between the two nations, the Dutch would be kept as prisoners, if the Japanese did not give up a certain number of oxen and swine. In expectation of an answer the English entered the harbour in a boat, and measured the depth of it. Meanwhile the Dutch had persuaded the governor to make this exchange. The swine and oxen were sent on board the ship and the Dutchmen

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set at liberty. The governor lost his life for it, and orders were given to regard the English as enemies.' vol. i. p. 260.

There is a map of the Kurilian islands, at the end of the first volume of this work, and there are four or five charts or plans of harbours, at the end of the second. As the work has already made its way from the Russian to the German, we are not without hopes, that it will in due time emigrate into the latitudes of our English language.

ART. V.—*Recollections of Curran and some of his Cotemporaries. By Charles Phillips, Esq.* 8vo. pp. 340. New York, C. Wiley & Co. 1818.

WE Americans have a right to criticise Mr. Curran, for perhaps no one man has done so much injury to the taste of our country. This however is something of a compliment, for although we are not convinced that our national taste has ever yet reached the very summit of perfection, still we trust that it is not so totally depraved, as to be seduced and led astray by that which has neither beauty nor merit to recommend it. It was said by some one, that 'the common people are the best judges of eloquence:' and we recollect having seen the remark quoted by one of the editors of Curran's Speeches, for the purpose no doubt of warning all evil-minded critics, that the merit of his oratory had already been passed upon. If it be so, it is only left for us to question the competency of the tribunal. We shall accordingly begin by denying the truth of the above remark. Mere buffoonery will excite the laughter of a popular assembly; mere rant and declamation will frequently call forth their applauses. And if it be true that every oration is eloquent, which has found a rabble silly enough to give it their approbation, then has the world, all along, been under a gross mistake in supposing that eloquence is one of the fine arts, and the profession of the orator is but a degree above that of the juggler or the mountebank.

Maintaining, therefore, that there is no impropriety in discussing, or, if need be, of denying the merits of a speech; even though in so doing, we should contradict the decision of an Irish or any other mob; we are now willing to make some concessions on the other side. Eloquence, like government, is designed for the people, and ought to be fitted to them.

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And as we should have little opinion of the constitution, which, however beautiful philosophers might think it in theory, could not after a fair trial command the affections of the great body of the people; so we should think that style of oratory, to say the least of it, very useless, which could produce no effect, but upon a few minds, which had been formed by peculiar studies. But this no more proves that the people are the best judges of eloquence, than it proves that they are the best politicians. We protest against the merits of a speech being estimated by the number of times the orator is interrupted by applause, or by the round and unqualified opinion which ignorant men may pronounce of its excellence. But then we have no doubt that the real effect which the orator produces upon a common audience, his permanent success in accomplishing his objects, may be considered the true measure of his eloquence, though it is not always a safe one; since his success is frequently assisted or retarded by circumstances foreign to the merit of his address. When we speak of his success, we take it for granted that the object of the orator is, not to excite noise and laughter, but to produce conviction on a given subject, or to inculcate particular opinions, or to impel his hearers to a particular course of conduct. And when this is the case, we assert that the style of address best suited to his purpose is precisely that which correct taste would most approve. If then, what is meant, by calling the common people the best judges of eloquence, be merely that real eloquence will never fail of commanding their admiration: nay, if more be meant, that nothing will produce so strong and deep an effect upon any assembly as good sense and correct taste, then we not only assent to the proposition, but we are ready to maintain its truth. Indeed how can it be otherwise? Criticism, by which the canons of taste are collected, must regard the operation of particular qualities in the works of art, on those faculties and passions, which nature has bestowed upon all men in common. If it do less than this; if it confine its observations to the operations of such qualities upon minds, which have been refined by art, until nature has lost its influence with them; then the criticism itself is unsound, and its deductions not to be regarded. It is true, perhaps, that the public taste may become so perverted, the public mind so contaminated and debased, as to have lost its capacity of

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relishing real beauty or sublimity when offered it. But this at worst can only happen when public morals shall have reached their lowest point of degradation; and when this happens, it will be of little use to inquire which is the best style of eloquence; as the bar, the popular assembly, and the senate will before that time have ceased to be the theatres of free discussion.

But still the memory of our readers may suggest instances in which it may seem that equal, or even deeper effect, has been produced by false taste, than could have been produced by real eloquence. These facts, however, will probably admit an explanation, without our being driven to such a conclusion. There may be a great deal of eloquence mixed up with what is false and meritricious, a great deal of vigour and strength with what is coarse and vulgar, a great deal that is wild and beautiful with what is forced, unnatural, and conceited. Now the mob are not very discriminating; when they admire or condemn, it is for the whole. They are however, upon ordinary occasions more disposed to approbation, than to censure; and where there is any thing really calculated to produce effect, they will not resist its operation, because it is accompanied with what is superfluous or tawdry. But it is not so with men of a certain degree of refinement. Their palate is too nice not to discover the mixture, and they are perhaps too often disposed rather to reject the whole, than to swallow the bad for the sake of the good. We do not say that this is correct; but that this fastidiousness is the natural result of a partial cultivation, there can be no doubt. Thus it is certain that very great and important effect is produced by field preachers, whom the majority of the educated would call vulgar and illiterate. But the truth is, such men generally possess some of the most important requisites of real eloquence; and with all their coarseness, they exhibit a vigour of conception, a strength of language, and an earnestness of manner, which wiser men would do well to acquire. But will any one pretend that the same vigour and strength would be less powerful if it were likewise graceful; or that the same earnestness would not be at least equally attractive, if it were accompanied with purity of language and correctness of thought?

There is another fact worthy of attention. Men of education generally form for themselves an ideal standard of excel-

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lence, by which they are very apt to measure the merits of a particular performance. But it is not so with the mass; these latter, when they listen to a speech, are glad to be pleased at any rate, and, provided it affords them amusement or excitement, they seldom think of making comparisons, or of entering into an inquiry, whether the occasion did not allow the speaker to produce an effect of a different or a higher kind. But although satisfied, for the time, with what has but little merit, and perhaps many positive faults, it does not follow that they would not have been more deeply and permanently affected with such a performance, as would likewise have commanded the approbation of men of more intellectual refinement. We might find illustration of the truth of these remarks, every time we attend the theatre. If in the beginning of a piece, a second rate performer appears, whatever may be his affectation, however unnatural his measured enunciation, and imperfect his conception of his part, yet if he possess a fine voice, a handsome figure, and a tolerable degree of spirit and animation in his bad acting, the majority of the audience will applaud and appear, as they really are, perfectly satisfied. And if no better acting were presented, they would go home warm in their approbation of what they had seen. But let another actor of genius and of more taste appear, and the late favourite sinks into neglect; he struts and rants almost unnoticed; and by the deep silence which at one moment fills the house, and the enthusiasm with which, at the next, the applauses are poured forth, it may be seen how much deeper and more real is the interest now felt.

But how happens it then, especially since the common people are more disposed to applaud than to condemn, that we so often hear orations and sermons, which are thought good by men of education, but to the merits of which other men are totally blind? We answer, that it must be owing to some fault, generally it is true to some negative fault, in the style or structure of the piece. Dulness, for instance, is what a mixed audience will never tolerate; and it is almost the only sin which an orator may not sometimes commit with impunity. But, notwithstanding the style of an oration may be rather dull and jejune, yet if it contain sensible and sound thought, and be besides critically correct, men of refinement will often vouchsafe it their approbation. But they would not pretend that there was eloquence in the piece; nor ought they to be

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surprised, that men, to whom mental exertion is not habitual, do not find a recompense for dulness of manner, in mere correctness of thought. But besides this, a style may not only be correct, but highly polished; and yet be but poorly fitted for oratory. An oration, for instance, written in the manner of Dugald Stewart, would, even if listened to, produce no effect upon a mixed audience. This is not because his style wants ornament; nor because it is used in treating of profound subjects. We frequently hear arguments at the bar upon subjects fully as perplexed, founded on the most hidden principles of human nature or of civil society, composed too in a style of chaste and even severe oratory, which nevertheless command the most fixed attention of every part of the audience. But it is, that such a style, as that just mentioned, admirable as it is in its place, is really defective, when considered in reference to the purposes of the orator. It wants fulness; it does not give the connecting links in the chain of thought, as they ought to be given in a spoken address; it leaves too much to be supplied by the hearer. In the hands of the orator, therefore, it would be an obscure style, without implying an obscurity in his own mind. It should be recollected too, that there ought to be a difference in the structure, as well as in the style, of a piece which is intended to be spoken, and one which is intended only for the eye of the reader. It is owing to a forgetfulness of this difference, that many very sensible written orations fail of producing any important effect. A very great portion of those performances which we hear from the pulpit are mere essays. A man chooses a subject, and sits down to write whatever he thinks important, of, about, or connected with that subject; the consequence is, that if his hearers follow him in his course of thought, they discover no definite point to which his remarks were directed, and the discourse is only remembered by one or two more striking observations, which are left floating in the mind, and of course are soon lost. But when a man starts for the purpose of proving particular truths, or of producing particular impressions, he will naturally give a close texture and an unity to his discourse. His hearers, if he make himself intelligible, will discover a direction and an object in what he says; and although he should deal out no gaudy sentences to be remembered by themselves, yet the impression produced by the whole will remain, and with it much of the general course of thought by which that impression was produced.

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We believe, then, that in every instance, where good sense and taste have failed of producing their just effect, the failure may be accounted for without supposing that the people require false declamation. Real eloquence, such as men of taste may admire, is never disregarded but under the most extraordinary circumstances; and nothing else is ever certain of producing a real and permanent effect. If a man's ambition is to be satisfied with the momentary applauses of the vulgar, applause which any good rope-dancer might rob him of, why let him collect a few sounding epithets, and as much unnatural imagery as he can, and 'spout forth a little frothy water on a gaudy day, and remain silent all the rest of the year.' But let him not expect that even the multitude will cede to him the influence or the permanent reputation of an orator. We have no wish to proscribe ornament, or to recommend a cold style of address. All the ardour which a man naturally imbibes from his subject, all the ornament which sets easily and gracefully about him, is correct and it is useful. And we confess that we should be glad to see more of such warmth in the oratory of this part of the country; and that we think the style of such of our public speakers, as are above the use of false ornament, is not unfrequently too cold and phlegmatic. But we have no wish to see even this changed for that artificial swell and frothy declamation, which is fashionable in some other parts of the country. We have spent more time in these remarks, than we should have done, did we not know, though their truth may not be denied in words, how often they are disregarded in practice, even by men of just pretensions to taste; and that it is but too common for such men, in appearing before the people, to do it with an internal conviction, that they must adopt a style, which upon other occasions they would be ashamed of.

Coming then to Mr. Curran, we do not believe that he will furnish any contradiction of what we have said as to the superiority, in point of mere utility, of good eloquence over bad. Although there is a great deal about him which no man of any purity of taste can approve, yet there is enough of such as all must admire, to account for any effect which his eloquence may have produced. He was a highly popular orator during his whole career at the bar, and his speeches are still read, and his manner imitated. In his defence of Mr. Rowan, which appears to have been his greatest effort,

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the enthusiasm of the audience was so wrought up, that he was interrupted in the midst of his address by a burst of applause; and when he concluded was again saluted in the same manner. Not content with this, the crowd, when he left the court, insisted, according to Mr. Phillips, upon dragging him home in triumph. Yet Mr. Rowan was found guilty, and most severely punished; justly for aught we can tell, at this distance of time and place; but from merely reading the publication, for which he was indicted, we are not without our doubts. Some other of his printed speeches did not command that success which, upon the facts as given us, might have been expected from the highest efforts of forensic eloquence. We do not urge this as evidence against Mr. Curran. For we are aware that the manner of selecting juries in Ireland puts it in the power of the government, if so inclined, to select their own men, and that his greatest efforts were made in times of the highest party exasperation, whilst most of them were connected with what were then the subjects of party contention.

Leaving then an inquiry, which we have no means of settling, as to the real effect which his speeches actually produced, let us proceed to an examination of the speeches themselves. The greatest positive fault which Mr. Curran can be charged with is his bad taste. This however in its consequences frequently extends beyond his style. After reading one of his speeches, we do not always feel satisfied with our recollection of the course of the argument, and our minds are more disposed to dwell upon one or two beautiful passages, than upon the conclusions to which it was the object of the whole to lead. This however is not owing to a want of method or of connexion, although until we lately read his speeches with more attention than we had before done, this was our opinion. But it is owing, in part, to that want of simplicity, by which the reader, of course it would be so with the hearer, is often interrupted in his pursuit of the argument; but principally to that ambition of display by which the orator is led to bestow too much time and labour upon what should be but incidental and auxiliary topics, provided they furnish him with good subjects of declamation. Not but that these topics have generally a fair and natural connexion with the subject; but they are so thrust forward, that what should be objects of more atten-

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tion are but little regarded and soon forgotten. He does not miss the real questions in his case, for he had a mind capable of comprehending the whole of a subject, nor does he ever entirely lose sight of the main points; but he is not careful to keep the view of his hearer directed to them. The different parts of his speech are not absolutely disconnected, but they are not so closely rivetted together as to make it impossible not to see and feel their connexion and mutual dependence. This it is true is not always the case. His speech on behalf of Weldon, published by Mr. Phillips for the first time, is not obnoxious to these charges. It exhibits less genius than those in defence of Rowan and of Finerty, but as a forensic argument, it is superior to any thing of Mr. Curran we have ever seen.

Before we proceed any further in our remarks, we think it proper to state, that the volumes of Curran's speeches, which have been given the public, were not collected by himself or under his direction. Indeed we are told by Mr. Phillips that he offered £500 to have the publication suppressed. It is very probable therefore, that the selection is not in all respects the best which might have been made; and that other speeches might have been found, as creditable to his powers of close and connected reasoning, as the one in defence of Weldon. At the same time the speeches, which are given us, appear to be fully, and as far as we can judge, very accurately reported. It is some proof that they are not otherwise, that they were collected many years before the death of Mr. Curran, and we never heard of any complaint from him or any of his numerous admirers, until the publication of Mr. Phillips' book. We have no doubt that they afford us an accurate idea of his peculiarities both of style and thought. Indeed some of them, especially those in the cases of Rowan and Finerty, have evident marks of having been corrected by the author himself.

It would be very natural, after reading one of Curran's speeches, to say that it appeared to have been more an object with him to make a fine harangue, than to gain his cause. Mr. Phillips has, rather undesignedly, furnished us with something more than internal evidence of this fact. We extract the following account of Mr. Curran's mode of preparation for a trial.

'An attention to the pleasures to the exclusion of the labours of life, has been made a constant article of accusation against him,

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certainly not without some foundation, but one to which he always gave a most indignant denial. However his notions of industry were very ludicrous. An hour to him was a day to another man; and in his natural capabilities his idleness found a powerful auxiliary. A single glance made him master of the subject; and though imagination could not supply him facts, still it very often became a successful substitute for authorities. He told me once in serious refutation of what he called the professional calumnies on this subject, that he was quite as laborious as it was necessary for any Nisi Prius advocate to be: "For," said he with the utmost simplicity, "I always perused my brief carefully when I was concerned for the plaintiff, and it was not necessary to do it for the defendant, because you know I could pick the facts from the opposite counsel's statement."' p. 283.

This passage should be considered in connexion with another.

'It would not be quite fair to judge him by those casual effusions which he flung off in the moment of hurry or of carelessness; but the passages which I shall quote he was accustomed to call his *de bene esses*, highly finished for the purposes of effect, and prepared to be dove-tailed into the less elaborate compositions. At the same time, it would be doing Mr. Curran a gross injustice to assert that he never rose high except from previous reflection. The fact is otherwise. He seldom produced a more powerful impression, or blazed into a more cloudless meridian, than when he was inflamed or exasperated by the opposition of the moment. Of this the reprisal upon Lord Clare, as above quoted, is a prominent instance. It is a very foolish, but a very favourite opinion of some, that the merit of a speech is much diminished by the circumstance of its preparation. But it appears to me just as possible to produce a law argument upon the spur of the occasion, replete with intuitive learning, and fortified by inspired authorities, as any of those sublime orations to which mankind have decreed the palm of eloquence.' pp. 145, 146.

We perfectly agree with Mr. Phillips in this last remark, but we do not think the kind of preparation chosen by his master is the very best. This whole plan of 'dove-tailing' appears to us to be founded in mistaken policy. It must cost so much labour and care to construct fine passages by themselves, and then to introduce them in such a manner that they shall not appear out of place; that it would probably be both an easier and a safer way to understand the subject well,

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and then to trust for fine passages to the animation which that and the incidents of the occasion may inspire.

Mr. Phillips speaks of 'the exquisite euphony of Curran's sentences.' In our opinion the undue importance which he obviously attaches to the shape and sound of his sentences is among Mr. Curran's greatest faults. There is nothing in the whole compass of English literature equal to the harmony of Chatham's periods. But this characteristic of Chatham's style strikes us very differently from what it does in Curran's. In Chatham it is never purchased by the sacrifice of purity, strength, or perspicuity. It consists in the best arrangement of the most appropriate and elegant language. Curran certainly has a great many fine and nervous expressions, but he makes the harmony or rather the balancing of his periods depend as often upon the number, as upon the selection of his words. Abruptness seems to have been the error he most dreaded, and he is determined to avoid it, whatever may be the cost. For this purpose he resorts to a redundancy of epithets, he misapplies words, or makes new ones for the occasion, and involves his sentences, so as to obscure his meaning. He introduces superfluous thoughts which serve only to bewilder; and sometimes uses words which convey no meaning whatever, so as to enable him to continue the sound after the idea is exhausted. His sensitiveness upon this point manifests itself even in what are intended for his boldest and most passionate appeals. He would have been mortified, to use one of his own expressions, if 'he had not writhed with grace and groaned in melody.'

But the most dangerous fault of Mr. Curran, the most dangerous to his admirers, is his love of unnatural ornament. He had an imagination of wonderful vigour and fertility; but he is not content with the materials which nature furnished for its exercise. He seems never to have suspected that there was such a thing as simple beauty. In nearly all of what he intended for his finest passages, there is something overwrought and extravagant; something, which when compared with the subject to which it was intended to be applied, would appear revolting or ludicrous. Perhaps, however, as we have made so many charges against Mr. Curran, it is time for us to produce some extracts to bear us out in our opinions. We cannot deal more fairly than by taking one which Mr. Phillips has set down among his '*de bene esses*,' and one which

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most of his admirers would count among his most beautiful passages.

'I speak not now of the public proclamation of informers, with a promise of secrecy and of extravagant reward; I speak not of the fate of those horrid wretches who have so often been transferred from the table to the dock, and from the dock to the pillory; I speak of what your own eyes have seen day after day, during the course of this commission, from the box where you are now sitting, the number of horrid miscreants, who avowed upon their oaths, that they had come from the very seat of government, from the castle, where they had been worked upon by the fear of death and the hopes of compensation, to give evidence against their fellows; that the mild and wholesome councils of this government are holden over these catacombs of living death, where the wretch that is buried a man, lies till his heart has time to fester and dissolve, and is then dug up a witness.

'Is this fancy, or is it fact? Have you not seen him after his resurrection from that tomb, after having been dug out of the region of death and corruption, make his appearance upon the table, the living image of life and of death, and the supreme arbiter of both? Have you not marked when he entered how the stormy wave of the multitude retired at his approach? Have you not marked how the human heart bowed to the supremacy of his power, in the undissembled homage of deferential horror? How his glance like the lightning of heaven, seemed to rive the body of the accused, and mark it for the grave, while his voice warned the devoted wretch of woe and death; a death which no innocence can escape, no art elude, no antidote prevent. There was an antidote, *a juror's oath*, but even that adamantine chain, that bound the integrity of man to the throne of eternal justice, is solved and melted in the breath which issues from the *informer's mouth*; conscience swings from her mooring, and the appalled and affrighted juror consults his own safety in the surrender of his victim.'

'Et quæ sibi quisque timebat,
'Unius in miseri exitium conversa tulere.'

*Speeches.** vol. i. pp. 225, 226.

We are informed by the editor of Curran's speeches, that this passage may be set in comparison with Milton's description of Sin and Death. And indeed if it were applied to a merely imaginary monster, and not to a poor witness stand-

* In our quotations from Curran's Speeches, we use the New York edition, of which the punctuation is studiously retained in our extracts.

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ing harmlessly within a few feet of the orator, some parts of it would be extremely fine: for instance, 'the stormy wave of the multitude retiring at his approach,'—'his glance, as it were, riving the body of the accused, whilst his voice denounces woe and death,' &c. We shall not admit even thus much of 'the antidote, *juror's oath*, adamantine chain, binding the integrity of man to the throne of eternal justice;' or of the picture of 'conscience swinging from her mooring.' And we would call upon any lover of this sort of style, to point out the idea, which he collects from being told, that 'horrid miscreants' are brought 'from the castle, where they had been worked upon by the fear of death and the hopes of compensation, to give evidence against their fellows, that the mild and wholesome councils of this government are holden over these catacombs of living death, where the wretch that is buried a man, lies till his heart has time to fester and dissolve, and is then dug up a witness. Is this fancy, or is it fact,' or is it *verbiage?* Mr. Phillips, accustomed as he is to this kind of oratory, appears to have been puzzled by this sentence, and has altered the pronunciation, by placing a semicolon after the words, 'give evidence against their fellows.' But this, at best, is substituting no meaning at all, for a very ridiculous one.

Mr. Curran's ambition constantly to talk in figurative language, leads him at one time to crowd together a number of discordant and broken metaphors; and at another to dwell upon a figure until it loses all its original vigor and beauty. The following passage is taken from the exordium of a mere law-argument, addressed to the Court of Exchequer. The suitableness of the style of his addresses to the occasion, or to the audience, seems never to have been a subject of much regard with Mr. Curran.

'I observe, too, the dead silence into which the public is frowned by authority, for the sad occasion No man dares to mutter; no newspaper dares to whisper that such a question is afloat. It seems an inquiry among the tombs, or rather in the shades beyond hem.

'Ibant sola sub nocte per umbram.

I am glad it is so; I am glad of this factitious dumbness; for if murmers dared to become audible, my voice would be too feeble to drown them; but when all is hushed, when nature sleeps,

'Cum quies mortalibus ægris,

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The weakest voice is heard, the shepherd's whistle shoots across the listening darkness of the interminable heath, and gives notice that the wolf is upon his walk, and the same gloom and stillness that tempt the monster to come abroad, facilitate the communication of the warning to beware. Yes, through that silence the voice shall be heard; yes, through that silence the shepherd shall be put upon his guard; yes, through that silence, the felon savage shall be chased into the toil. Yes, my lords, I feel myself cheered and impressed by the composed and dignified attention with which I see you are disposed to hear me on the most important question that has ever been subjected to your consideration; the most important to the dearest rights of the individual; the most deeply interesting and animating that can beat in his heart, or burn upon his tongue. Oh! how recreating it is to feel that occasions may arise, when the soul of man may reassume her pretensions; in which she hears the voice of nature whisper to her, *os homini sublime dedi cælumque tueri;* in which even I can look up with calm security to the court, and down with the most profound contempt upon the reptile I mean to tread upon! I say reptile; because, when the proudest man in society becomes so the dupe of his childish malice, as to wish to inflict on the object of his vengeance the poison of his sting, to do a reptile's work, he must shrink into a reptile's dimension; and so shrunk, the only way to assail him is to tread upon him. But to the subject; this writ of *habeas corpus* has had a return.' *Case of Justice Johnson. Speeches*, vol. i. pp. 145, 146.

It is very probable, that if any of the admirers of Curran had undertaken to select the best specimens of his eloquence, the two passages we have given above would have been cited amongst the number. We doubt not that either of them would have been applauded in a common popular assembly. And as far as it is desirable to excite an indefinite and indescribable emotion in the minds of the auditors, broken metaphors, inappropriate and unnatural descriptions, expressed in language as glowing as that of Curran, will answer the purpose. The moment, however, such attempts are compared with the subject under discussion, their extravagance becomes manifest. It is true, they serve to conciliate unreflecting men, and consequently to give an authority to what the orator may choose barely to assert. But this is but an humble enterprise for genius; and as modern discussions are conducted, it is seldom likely to be successful. All its effects may be easily dissipated and swept away by eloquence of equal animation and more purity, manliness, and good sense.

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We can easily find examples of what we have said of Curran's preference of the sound to the thought. Thus in the defence of Finney—

'I said the distinction was of great moment, because it is endeavoured to be held forth to the public, to all Europe, that, at a time like this of peril and of danger, there are, in one province alone, 111,000 of your countrymen combined for the purpose of destroying the king, and the tranquillity of the country, which so much depends on him, an assertion which you should consider of again and again, before you give it any other existence than it deserves from the attainting breath of the informer; if nothing else should, to induce that consideration but the name of Irishmen, the honours of which you share, so foully, and, as I shall demonstrate, so falsely aspersed.' *Speeches*, vol. i. p. 249.

In the same speech,

'If there be but *one* witness, there is the less possibility of detecting him, he the less fears the detection of his murderous tale, having only infernal communication between him and the author of all evil; and when on the table, which he makes the altar of his sacrifice, however common men may be affected at the sight of the innocent victim, it cannot be supposed that the prompter of his perjury will instigate him to retribution.' *Ibid*, p. 253.

The argument, stated in common language, is, that as the Devil first prompted the witness to commit perjury, the Devil will not assist him to relent: therefore, where there is but *one* witness, there is the 'less possibility of detecting him.'

The following is one, among many, fine specimens of *bathos*, which might be selected from his speeches.

—— 'What said the innocent countryman, Patrick Cavanagh? Pursuing the even tenor of his way in the paths of honest industry, he is in the act of fulfilling the decree of his Maker; he is earning his bread by the sweat of his brow, when this villain, [O'Brien] less pure than the arch fiend, who brought the sentence of laborious action on mankind, enters the habitation of peace and humble industry, and, not content with dipping his tongue in perjury and blood, *robs the poor man of two guineas!* Can you wonder that he crept into *the hole of the multitude*, when the witness attempted to *develop* him?' *Ibid*, vol. i. p. 257.

The meaning of this last question is—'can you wonder that

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he attempted to hide himself in the crowd, when the witness would have pointed him out?'

Sometimes this absence of meaning extends beyond one or two sentences; as in the following passage, in which we are occasionally mocked by a glimpse of meaning, without being able, after reading the whole, to tell what said meaning is.

'My friends, if you suffer your consciences to be influenced, to be degraded into opinions of the consequences of your verdict; your are bound to decide by the evidences, the glorious privilege of trial by jury. If martial law must cut the thread of brotherly affection, the necessity of it will cease; for verdicts of honest jurors will restore your country to peace and tranquillity, and the liberties of your country will, by that means, be secured, and the supreme government of the nation be protected and supported, whatever the form of that government may be. Let me, however, ask, is there no species of law to be resorted to but terror? Let me observe to you, that the moral law is destroyed, when it is stained with the effusion of blood, and it is much to be regretted, when the terrors of the criminal law are obliged to be resorted to, to enforce obedience to the common law of the land by the people, for the sword may cover the land with millions of deluded men. It is become necessary to hurl destruction round the land, till it shivers into a thousand particles, to the destruction of all moral law, and all moral obligations? By the common law of the land, no subject is to be deprived of life, but by a trial of his fellow-subjects; but, in times when a rebellion prevails in any country, many suffer without the semblance of a trial by his equals. From the earliest period of history down to the present time, there have been, in some parts of the earth, instances, where jurors have done little more than recorded the opinions given them by the then judges, but it is the last scene of departing liberty. I have read, that, in the period of the rebellion in England, in the last century, that jurors, on trials by the common law of the land, have been swayed in their determination, by the unsupported evidence of an informer, and after times have proved their verdict was ill-founded, and the innocency of the convicted persons had afterwards appeared; trials on charges of high treason are of the utmost moment to the country, not merely with respect to any individual, but of the importance it is to the public, that they should know the blessings of trial by jury, and that the jurors will solely determine, on their verdict by the evidences, *and maturely weigh the credit of the witnesses against the prisoner.*' *Bond's Trial. Speeches*, vol. i. p. 337.

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Passages, such as we have selected, would hardly be found in the speeches of a man, who, with Curran's command of language, had made his thoughts his most important object of regard. We are aware that they are among his worst passages. But we give them, not as specimens of his general manner, but as instances in which his prevailing faults are made more apparent than usual, by being carried to excess. We do not say that he is often so silly, or so destitute of meaning, as some of the foregoing extracts would make him appear. But it is true, that he frequently makes a great parade of language to introduce a very little meaning, that his general want of simplicity frequently degenerates into obscurity, and that his love of the gorgeous and extravagant often carries him into a ranting strain, which, to use expressions of his own, is 'neither law, nor poetry, but sometimes half metaphysical.'

If we have dwelt upon Mr. Curran's faults, it has not been owing to any blindness to his merits. On the contrary, we have done it from a conviction of his genius, which, we fear, is sufficient to make a bad school of eloquence fascinating and dangerous. We certainly think that Mr. Curran was a most extraordinary man: and we are willing to attribute it entirely to his want of taste, and his want of industry, that he was not one of the most powerful orators, the world has ever known. He had a bold and active mind; and one which, when he chose to exercise it in looking at the subject, manifested a great compass and expanse of vision. Where the occasion came up to his style, for he would not accommodate his style to the occasion, he must have been capable of great pathos. Besides which he possessed a readiness of resort, and a power of continued invective, which, added to his courage, that could neither be awed by power nor disconcerted by sudden attack, must have always made him a formidable opponent, even when he was not likely to be a successful advocate. As favourable specimens of his eloquence, we would refer to that part of his defence of Finerty, where he details the circumstances of the trial and death of Orr; and to that in the defence of Rowan, in which he speaks of Universal Emancipation, as well as to the conclusion of the same speech. These and all his more striking passages are so well known, that it would be filling our pages to very little use, to extract them.

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We have often seen attempts made to compare Curran with Erskine. The idea was naturally suggested by the fact, that, at the same time, they were at the head, the one of the English and the other of the Irish bar. But there is nothing in the speeches of the one, ever to call to mind those of the other, unless it be in the way of contrast. Erskine is a close, profound, and animated reasoner. He is remarkable, beyond almost any other orator, for the elegant consistency and dependency of the several parts of his speech. Every thing which he says has a meaning, every thing an object, and that object invariably the final success of his cause. He never for a moment allows you to lose sight of the question. He is not content with rousing the feelings of the jury, unless he can give those feelings a direction favourable to his client, or hostile to the opposite party. In reading Curran, you are frequently obliged to turn back and wade through metaphors and epithets to pick up the thought; and after all, you may not improbably be disappointed at finding it the most common thought in the world. Erskine brings down the most closely woven chain of argument within the reach of the meanest capacity. Curran sometimes appears (not, it is true, from natural incapacity) bewildered, and to be grasping at something which mocks and eludes him. Erskine is never incumbered with his own conceptions; he throws out his strong thoughts, as if it were a matter of course for him to think deeply; he manages his heavy weapons with such grace and adroitness, that you never suspect their weight, but from the force of the blow. Curran has, perhaps, more 'words that burn,' but in purity, vigour and uniform elegance of language, Erskine is infinitely his superior.

It is difficult to make extracts from Erskine's speeches, they possess such uniform merit; and the excellence of every thing he says depends so much upon its place and connexion. Yet we are tempted to give a passage from each of these orators; both for the sake of, in some measure, making our peace with the admirers of Curran, by giving them another of his '*de bene esses*;' and then of showing such others of our readers as value language principally as it is a medium of communicating thought, with how much more of conciseness, and we think, of force, Erskine is in the habit of expressing himself. In the *coure* of argument, it becomes proper for each of them to *mention* the folly of attempting to restrain public discussion. Mr. Curran does it as follows,

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'And what calamity are the people saved from, by having public communication left open to them? I will tell you, gentlemen, what they are saved from, and what the government is saved from. I will tell you also, to what both are exposed by shutting up that communication; in one case, sedition speaks aloud, and walks abroad; the demagogue goes forth, the public eye is upon him, he frets his busy hour upon the stage, but soon either weariness, or bribe, or punishment, or disappointment, beat him down, or drive him off, and he appears no more! In the other case how does the work of sedition go forward? Night after night the muffled rebel steals forth in the dark and casts another and another brand upon the pile, to which, when the hour of fatal maturity shall arrive, he will apply the flame. If you doubt of the horrid consequences of suppressing the effusion of individual discontent, look to those enslaved countries where the protection of despotism is supposed to be secured by such restraints, even the person of the despot there is never in safety. Neither the fears of the despot, nor the machinations of the slave have any slumber, the one anticipating the moment of peril, the other watching the opportunity of aggression. The fatal crisis is equally a surprise upon both; the decisive instant is precipitated without warning, by folly on the one side, or by frenzy on the other, and there is no notice of the treason, till the traitor acts. In those unfortunate countries (one cannot read it without horror) there are officers whose province it is, to have the water which is to be drank by their rulers, sealed up in bottles, lest some miscreant should throw poison into the draught!' *Rowan's Trial. Speeches*, vol. i. pp. 91, 92.

Lord Erskine,

'When men can freely communicate their thoughts and their sufferings, real or imaginary, their passions spend themselves in air, like gunpowder scattered upon the surface;—but pent up by terrours, they work unseen, burst forth in a moment, and destroy every thing in their course. Let reason be opposed to reason, and argument to argument, and every good government will be safe.' *Trial of Thomas Paine. Erskine's Speeches*, vol. i. p. 305.

As Mr. Phillips has furnished us with a pretext for these remarks, we feel bound in politeness to say something of him. We do it the more readily, for thinking, as we do, that Curran's oratory is calculated to do great mischief in our country, we feel under great obligations to Mr. Phillips, for having, in some measure, furnished an antidote to the evil. The best criticism in the world will not expose the faults of a bad

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model, half so effectually as an obvious, thorough imitation. If then any one would observe the effect produced by bad taste alone, if he would learn how much beauty there is in an artificially swollen style, in confused and crowded imagery, in constant hyperbole and antithesis, in jingling epithets, which have no meaning, and flowing periods which contain no though, in short, if he would see the faults of Curran's school pushed to the extreme, and standing not covered by the genius of its master, he may read the Speeches of Mr. Phillips. Then if he would judge of the talents of Mr Curran, he may read Mr. Phillips' 'Recollections,' in which he will find the most finished passages of Curran's speeches collected, and occupying about one half of the book.

In this manner, Mr. Phillips may claim the merit of having made a complete exposition of the faults and merits of Curran. And this we fear is the only way in which he can support such a claim. The work before us is an entertaining, pleasant book, and written so much better then any thing, in *prose*, which we had anticipated from its author, that we are not disposed to find much fault with it. It contains, as we before said, a great many extracts from Curran's speeches, not a few from a work of Sir Jonah Barrington, with a number of very good puns, repartees, and anecdotes. As a piece of biography, however, it is certainly defective. It gives but a poor analysis of Curran's character, and does not supply us with materials for forming a very satisfactory one for ourselves. From what we learn of him, he appears to have been a man whose mind and character were not well balanced. He possessed most of the elements of greatness, but was not, in the true sense of the term, a great man. Although capable of the sublimest and most ennobling sentiments of morality, and apparently delighting in such sentiments; yet it seems to be admitted, rather than stated, in this book, that he was sometimes guilty in his conduct of gross immorality. He affords, too, another melancholy proof of the curse, to its possessor, of an ill governed genius. Susceptible, at one moment, of the highest excitements of hilarity and social feeling, he would, the next, relapse into the depths of melancholy and despondency. In the last stages of his life, as generally happens with such men, this gloomier temper became the ascendant, and he appears to have passed most of his time, with his soul corroding from its own feelings, or haunted by those images of horror, which an imagination like his could conjure up.

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'It was a deplorable thing,' says Mr. Phillips, 'to see him in the decline of life, when visited by this constitutional melancholy. I have not unfrequently accompanied him in his walks upon such occasions almost at the hour of midnight. He had gardens attached to the Priory, of which he was particularly fond; and into those gardens, when so affected, no matter at what hour, he used to ramble. It was then almost impossible to divert his mind from themes of sadness. The gloom of his own thoughts discoloured every thing, and from calamity to calamity he would wander on, seeing in the future nothing for hope, and in the past nothing but disappointment. You could not recognize in him the same creature who but an hour preceding had "set the table in a roar." His gibes, his merriment, his flashes of wit were all extinguished. He had a favourite little daughter, who was a sort of musical prodigy. She had died at the age of twelve, and he had her buried in the midst of a small grove just adjoining this garden. A little rustic memorial was raised over her, and often and often have I seen him, the tears "chasing each other" down his cheeks, point to his daughter's monument, and "wish to be with her and at rest."' p. 289.

——'Perhaps after one of these scenes of misery, when he had walked himself tired, and wept himself tearless, he would again return into the house, where the picture of some friend, or the contingency of some accident, recalling an early or festive association, would hurry him into the very extreme of cheerfulness! His spirits rose,—his wit returned,—the jest, and the tale, and the anecdote, pushed each other aside in an almost endless variety, and the day dawned upon him, the happiest, the pleasantest, and the most fascinating of companions.' p. 291.

Mr. Curran was of very humble parentage. The first rudiments of his education he owed to the kindness of Mr. Boyse, the rector of the parish where he was born. By the same gentleman he was sent to Middleton School, where he passed to Dublin College, which he entered as a Sizer. After leaving College he proceeded to London, 'where he contrived,' says Mr. Phillips, '*quocunque modo* to enter his name on the books of the Middle Temple. Of his resources in the metropolis, I never heard him speak, and the subject was too delicate to introduce. I have it, however, on the authority of a friend who knew him well, that he had some small stipend from the school at Middleton, and, that, in addition to this, he profited considerably by his literary exertions.' His

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subsequent rise was owing solely to his own talents and exertions.

As a lawyer Mr. Curran was not distinguished; and besides his eloquence he seems to have been remarkable at the bar, only for his power of cross examination, in which, from all accounts, he appears to have been nearly unrivalled. His skill in this respect was no doubt owing, in a degree, to the acquaintance, which, in his youth, he must necessarily have acquired with the feelings, habits, and language of vulgar life. Mr. Curran was for some time a member of the Irish parliament. But his success there did not correspond with his eminence at the bar. The reason assigned for this, is the great pressure of his professional business; in consequence of which his parliamentary efforts were made without preparation, and generally under a state of exhaustion both of body and mind. We have no doubt this was the case: but still we cannot help thinking from his habits, and character of mind, that if it had not been so, he would still have been distinguished, rather as an active, formidable auxiliary in the debate, than as a powerful leader, or an able statesman.

These are the most important of *our* 'Recollections' of Curran, after reading the book before us, excepting several good stories and anecdotes, some of which we should have given as specimens of the wit for which he was remarkable, but that we have already exceeded our limits.

We should have been glad to have learned something of Curran's manner of speaking, his voice, enunciation, and gestures. All the information we obtain upon these points, is contained in the following very definite and satisfactory sentence: 'but alas! the look all eloquent, the eye of fire, the tongue of harmony, the exquisite address that gave a charm to every thing, and spell bound those who heard him, are gone forever.' Mr. Phillips tells us in his preface, that this book was written in twenty two days. We see no reason to doubt his veracity: but then he ought to have spent more time in writing the biography of a man whom he professes to think one of the proudest ornaments of Ireland.

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ART. VI.—1. *Report of the case of the Trustees of Dartmouth College against William H. Woodward, argued and determined in the Superior Court of Judicature of the State of New Hampshire, November* 1817 *: and on Error, in the Supreme Court of the United States,* 1819. *By Timothy Farrar, Counsellor at Law. Portsmouth, N. H. published by John W. Foster, and West, Richardson & Lord, Boston.* J. J. Williams, printer, Exeter.

2. *Reports of cases argued and adjudged in the Supreme Court of the United States, February Term,* 1819. *By Henry Wheaton, Counsellor at Law, vol. IV.* New York, published by R. Donaldson, No. 45 John street, 1819.

PERHAPS no judicial proceedings in this country, ever involved more important consequences, or excited a deeper interest in the public mind, than the case of Dartmouth College, recently determined in the Supreme Court of the United States. While the cause was pending, there was much anxiety felt for its final result by the friends of our literary institutions; for it was early perceived, that they stood on no surer foundation than Dartmouth College. Upon the principles, which should be decided to rule this case, they must all stand or fall. The questions involved in it were in a great measure new, no controversy of the kind having arisen since the year 1763, when the assembly of Connecticut made a similar attempt upon the charter of Yale College, and of this there was no remembrance or record. The cause of the college was indeed committed to able hands, and the report of the case bears ample testimony to the learning and ability which sustained it. The trustees of the college, too, are entitled to all praise for their resolution and perseverance, under many discouragements. The have encountered the difficulties and expenses of a protracted law suit, in maintaining their chartered rights; and they have their reward in the approbation of wise and good men. They may now look back upon the past with the consciousness of having discharged faithfully and successfully an important duty to their college, and to the interests of learning. We have thought, that we could not render a more acceptable service to the cause of learning in this country, than by exhibiting an outline of this important case, showing concisely, but we hope intelligibly, the course

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of argument pursued, and the final judgment of the court, upon the points made in the cause.

The action was Trover, brought by the trustees of Dartmouth College, against William H. Woodward, for the books of record, charter, common seal, and books of account, alleged to be the property of the plaintiffs, &c. and at the May Term 1817, was entered at the Superior Court of New Hampshire. The facts in the case were then agreed upon by the parties, and drawn up in the form of a special verdict, setting forth the original charter granted to Dr. Eleazer Wheelock, A. D. 1769, the several acts passed by the legislature of N. Hampshire, on the 27th June A. D. 1816, the 18th December A. D. 1816, and the 26th December A. D. 1816: the refusal of the trustees to accept the provisions of these acts, the demand made by them, upon the defendant for the property mentioned, the removal of said Woodward, from the offices of Secretary and Treasurer, by the trustees on the 27th August 1816, and his subsequent appointment to the same offices, by the trustees of the Dartmouth University, organized on the 4th of February A. D. 1817, pursuant to the said acts of the legislature. Under colour of these acts, the defendant claimed to hold the property in dispute; and the general question was, whether these acts were obligatory and binding on the plaintiffs without their assent or acceptance.

The case was argued before the Superior Court of New Hampshire, by Mr. Mason, Mr. Smith, and Mr. Webster, for the plaintiffs, and by Mr. Sullivan and Mr. Bartlett for the defendant. In this court, judgment was rendered for the defendant, and the cause was duly removed by a writ of error to the Supreme Court of the United States; where it was argued by Mr. Webster and Mr. Hopkinson for the plaintiffs, and by Mr. Holmes and Mr. Wirt, the attorney general, for the defendant.

Before the Superior Court of New Hampshire, Mr. Mason maintained that the several acts of the legislature were not obligatory on the plaintiffs; first, because they were not within the scope of legislative power; second, because they violated certain provisions of the constitution of New Hampshire; and third, because they violated the constitution of the United States. The two last of these propositions were also maintained by Mr. Smith and Mr. Webster.

Upon the argument of the case before the Supreme Court

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of the United States, Mr. Webster contended for the plaintiffs, that the acts in question were not valid and binding on them without their assent; first, because they were against common right and the constitution of New Hampshire; second, because they were repugnant to the constitution of the United States. But the jurisdiction of the Supreme Court, confining the case within narrower limits, the questions argued, and finally determined there may be thus stated: first, is the original charter of Dartmouth College, a contract within the prohibitory clause of the constitution of the United States, which declares that no state shall pass any law 'impairing the obligations of contracts;' secondly, if it is, do the legislative acts of New Hampshire of 27th June, &c. impair its obligations.

OF CORPORATIONS.

1st. Public corporations are created by the sovereign power of the state, for the purposes of civil government, such as counties, towns, parishes, &c. and as such, are subject to such alterations and arrangement as public convenience requires. A number of persons living within certain local limits are erected into a body politic, for the exercise of their civil and political rights, and the performance of their civil duties; among these are the rights of suffrage, the duty of supporting public instruction in religion and morality, of supporting schools, and of executing the laws for the maintenance of the public police. These corporations are the component parts of the state, erected exclusively for public purposes, and are all governed by the same general laws.

Banks, bridges, turnpikes, canals, &c. are private civil corporations. These can claim and exercise their corporate franchises against the state, so long as they perform the conditions on which they were granted; and it belongs to the courts of justice to determine when they have been performed or broken.

Eleemosynary corporations are such as are constituted for the perpetual distribution of the free alms and bounty of the founder, in such manner as he has directed; and in this class are ranked hospitals for the relief of poor and impotent persons, and colleges for the promotion of learning and piety and the support of persons engaged in literary pursuits.

'In eleemosynary foundations,' says Blackstone, 'such as

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colleges and hospitals, where there is an endowment of lands, the law distinguishes and makes two species of foundation, the one *fundatio incipiens*, or the incorporation, in which sense the king is the general founder of all colleges and hospitals; the other, *fundatio perficiens*, or the dotation of it, in which sense, the first gift of the revenues is the foundation, and he who gives them, is in law the founder; and it is in this last sense, that we generally call a man the founder of a college or hospital. To such foundations, there is attached, as a necessary incident, the right of visitation, which implies a power to correct all abuses, and to compel a faithful execution of the original purposes of the charity.' 'The persons who have this right are,' says Lord Holt, 'the founder and his heirs, unless he has appointed and assigned another person to be visitor. For the founder may, if he please, at the time of the endowment, part with his visitatorial power, and the person to whom it is assigned will in that case possess it, in exclusion of the founder's heirs. This visitatorial power is therefore an hereditament, founded in property, and valuable in intendment of law; and stands upon the maxim, that he, who gives his property, has a right to regulate it in future.'

In the construction of charters, it is a general rule that if the objects of the charity are incorporated, as for instance the master and fellows of a college, or the master and poor of an hospital, the visitatorial power, in the absence of any special appointment, silently vests in the founder and his heirs. But where trustrees or governors are incorporated to manage the charity the visitatorial power is deemed to belong to them, in their corporate character.

These corporations, like all others, are subject to the general laws of the land, and although they may forfeit their franchises, by misuser or non user, still they may exercise all the rights conferred by their charters, independent of the crown or state. In order to ascertain to which of these classes the corporation of Dartmouth College belongs, reference must be had to the original charter granted to the Rev. Eleazer Wheelock, A. D. 1769. From this it appears, that about the year 1754, Doctor Wheelock had established a charity school, at his own expense, and on his own estate; that through the assistance of well disposed persons granted at his solicitation, he had clothed, maintained, and educated

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for several years a number of native Indians, and afterwards employed them as missionaries and schoolmasters among the savage tribes. At that time, being the sole dispenser and sole administrator, as well as the legal owner of these funds, he made his will, devising this property in trust, to continue the existence and uses of the school and appointed trustees. In this state of things, he had been invited to fix his school permanently in New Hampshire, and to extend the design of it to the education of the youth of that province; but before he removed his school, or accepted this invitation, which his friends in England had advised him to accept, he applied for a charter, to be granted, not to whomsoever the king or government of the province should please, but to such persons as he named and appointed, viz. the persons whom he had already appointed to be the future trustees of his charity by his will.

The charter proceeds to create such a corporation, and to appoint twelve persons to constitute it, by the name of the Trustees of Dartmouth College, to have perpetual existence as such corporation, and with power to hold and dispose of lands and goods for the use of the college, with all the ordinary powers of corporations. They are, in their discretion, to apply the funds and property of the college, to the support of the president, tutors, ministers, and other officers of the college, and such missionaries and schoolmasters as they may see fit to employ among the Indians. There are to be twelve trustees forever, and *no more;* and they are to have the right of filling vacancies occurring in their own body. The Rev. Mr. Wheelock is declared to be the founder of the college, and is by the charter, appointed first president, with power to appoint a successor by his last will. All proper powers of government, superintendance, and visitation are vested in the trustees. They are to appoint and remove all officers at their discretion; to fix their salaries and assign their duties; and to make all ordinances, orders, and laws for the government of the students.

As monies had been collected in England by an agent of Dr. Wheelock, to aid his charitable views, and had been left in the hands of the Earl of Dartmouth, Baron Smith, Mr. Thornton and other gentlemen there, who were themselves contributors, the president was required to transmit to them annually, for their satisfaction, an account of the progress of the institution, and of the disbursement of the funds.

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Thus far the case proceeds upon admitted facts and principles, and whether upon these, the corporation of Dartmouth College was public, or private and eleemosynary, was the great question debated.

It was contended by the council for the defendant, and so determined by the Superior Court of New Hampshire, that this corporation, being created for the purpose of holding and managing property for the use of the college, and the college being founded, for the purpose of spreading christian knowledge among the savages, and of affording the best means of education in liberal arts and sciences, to their children, as well as to the English youth and any others, which were all matters of public concern, must be considered as a public corporation. It was said that the office of a trustee was in fact a public trust, as much so as the office of governor or of judge, that the *objects* of a corporation made it either public or private, and that a gift to one created for public purposes, was in reality a gift to the public. Such being the nature of this corporation, it followed of course, that the legislature of the state, having the charge of all public interests, had a right to new-model or change it any way fitted to extend its advantages.

This course of argument was met and replied to, fully and conclusively, by each of the counsel for the plaintiffs, and by all the judges who delivered opinions. It is admitted, that education was an object of national concern, and a proper subject of legislation; that there might be an institution founded by government, and placed entirely under its immediate control, the officers of which would be public officers, and exclusively amenable to it; but was Dartmouth College such an institution? 'From whence can be derived the idea,' inquires Chief Justice Marshall, 'that this college has become a public institution, and its trustees public officers, exercising powers conferred, by the public for public objects. Not from the source whence its funds were drawn, for its foundation is purely private, and eleemosynary. Not from the application of those funds, for money may be given for education, and the persons receiving it do not, by being employed in the education of youth, become members of the civil government.

'Doctor Wheelock as the keeper of this charity school, instructing the Indians, in the art of reading, and in our holy religion; sustaining them at his own expense, and on the vol-

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untary contributions of the charitable, could scarcely be considered as a public officer, exercising any portion of those duties, which belong to government; nor could the legislature have supposed, that his private funds, or those given by others were subject to legislative management, because they were applied to the purposes of education. Did the subsequent act of the incorporation, then confer any new powers on the government, which it could not rightfully exercise before?

'A corporation,' continues the Chief Justice, 'is an artificial being, invisible, intangible, and existing only in contemplation of law. Being the mere creature of law, it possesses only those properties which the charter of creation confers upon it, either expressly or as incidental to its very existence. Among the most important of these are immortality, and, if the expression may be allowed, individuality, properties, by which a perpetual succession of many persons may be, and are considered as the same, and may act as a single individual. They enable a corporation to manage its own affairs, and to hold property, without the perplexing intricacies, the hazardous and endless necessity of perpetual conveyances, for the purpose of transmitting it from hand to hand. It is chiefly for the purpose of clothing bodies of men in succession, with these qualities and capacities, that corporations were invented and are in use. By these means, a perpetual succession of individuals are capable of acting for the promotion of the particular object, like one immortal being. But this being does not share in the civil government of the country, unless that be the purpose for which it was created. Its immortality no more confers on it political power, ora political character, than immortality would confer such power or character, on a natural person. It is no more a state instrument, than a natural person, exercising the same powers, would be. If then a natural person, employed by individuals, in the education of youth, or for the government of a seminary in which youth is educated, would not become a public officer, or be considered as a member of the civil government, how is it, that this artificial being, created by law, for the purpose of being employed by the same individuals for the same purposes, should become a part of the civil government of the country.'

'The fact then,' says Mr. Justice Story, 'that the charity

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is public affords no proof that the corporation is also public; and consequently the argument, so far as it is built on this foundation, falls to the ground. If indeed the argument were correct, it would follow that almost every hospital and college would be a public corporation, a doctrine utterly irreconcileable with the whole current of decisions since the time of Lord Coke.

'When the corporation,' continues the judge, 'is said at the bar to be public, it is not merely meant, that the whole community may be the proper objects of the bounty, but that the government have the sole right as trustees of the public interests, to regulate, control, and direct the corporation, and its funds, and its franchises at its own good will and pleasure. Now such an authority does not exist in the government, except where the corporation is in the strictest sense public; that is, where its whole interests and franchises are the exclusive property and domain of the government itself. If it had been otherwise, courts of law would have been spared many laborious adjudications, in respect to eleemosynary corporations, and the visitatorial powers over them, from the time of Lord Holt down to the present day. Nay more, private trustees for charitable purposes would have been liable to have the property confided to their care, taken away from them, without any assent or default on their part, and the administration submitted not to the control of law and equity, but to the arbitrary discretion of the government. Yet, who ever thought before, that the munificent gifts of private donors for general charity became instantaneously the property of the government; and that the trustees appointed by the donors, whether corporate or unincorporated, might be compelled to yield up their rights to whomsoever the government might appoint to administer them. If we were to establish such a principle, it would extinguish future eleemosynary endowments; and we should find as little of public policy, as we now find of law to sustain it.'

In every application for a charter of incorporation, the government considers the objects proposed to be effected, their beneficial tendency, and general usefulness, and these constitute the consideration for the grant. All wise governments are desirous of encouraging institutions for the promotion of learning, and are willing to confer on benevolent individuals those franchises and powers, which enable them to be always

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of the same charitable mind, managing and directing their own bounty, as if they were immortal. While exercising the powers given, and acting within their acknowledged limits, they and their representatives, in relation to their franchises and property, are as much within the declared protection of the law, as the rights and interests of any individual are. It is as much a maxim of common sense, as of law, that *cujus est dare, ejus est disponere;* and the will of the donor, not of the legislature, is to be the rule; until it appears, by judicial process according to the laws of the land, that the franchises have been forfeited. But the Superior Court of New Hampshire, after admitting, that the right of the trustees to manage the affairs of the college is a privilege, thus argue, 'how a privilege can be protected from the operation of the law of the land, by a clause in the constitution, declaring that it shall not be taken away but by the law of the land, is not very easily understood.' We were sorry to see this published in a book, as the reasoning of the highest judicial tribunal of a state; and we shall dismiss it, with a quotation from the concluding remark of Mr. Webster's argument upon the point.

'Such a strange construction would render constitutional provisions of the highest importance completely inoperative and void. It would tend directly to establish the union of all powers in the legislature. There would be no general permanent law for courts to administer, or for men to live under. The administration of justice would be an empty form, an idle ceremony. Judges would sit to execute legislative judgments and decrees, not to declare the law or administer the justice of the country. "Is that the law of the land," said Mr. Burke, "upon which if a man go to Westminster Hall, and ask counsel, by what title or tenure he holds his privilege or estate, *according to the law of the land*,, he should be told that the law of the land is not yet known; that no decision or decree has been made in his case; and that when a decree shall be passed, he will then know *what the law of the land is*." Will this be said to be the law of the land, by any lawyer who has a rag of a gown left upon his back, or a wig with one tie upon his head.'

From the preceding examination, it appears that Dartmouth College was, under its original charter, a private eleemosynary corporation, with the usual privileges and franchises of such corporations; and among others, with a legal perpetuity, and was exclusively under the government and control of

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twelve trustees, who were to be elected and appointed from time to time, by the existing board, as vacancies, or removals should occur.

Is the charter of Dartmouth College, then, a contract, within the clause of the constitution, prohibiting the States from passing any laws impairing the obligation of contracts? In the case of Fletcher *vs.* Peck, the Supreme Court laid down its exposition of the word 'contract,' in the following manner, 'A contract is a compact between two or more persons, and is either executory or executed. An executory contract is one, in which a party binds himself to do or not to do a particular thing. A contract executed is one in which the object of the contract is performed; and this, says Blackstone, differs in nothing from a grant. A contract executed, as well as one that is executory, contains obligations binding on the parties. A grant in its own nature amounts to an extinguishment of the right of the grantor, and implies a contract not to reassert the right. A party is always estopped by his own grant. 'This language,' says Mr. Justice Story, 'is perfectly unambiguous, and was used in reference to a grant of land by a governor of a state, under a legislative act. It determines in the most unequivocal manner, that the grant of a state is a contract within the clause of the constitution now in question; and that it implies a contract not to reassume the rights granted. *A fortiori* the doctrine applies to a charter or grant from the king.

Upon this question it was contended for the defendant, and so decided in the Superior Court of New Hampshire, that the word 'contract' must be taken in a limited sense; that the clause was not intended to limit the power of the states, in relation to their own public officers and servants, or to their own civil institutions, and must not be construed to embrace contracts, which are in their nature, mere matters of civil institution; nor grants of power and authority, by a state to individuals, to be exercised for purposes merely public. Thus marriage is a contract; but being a matter of civil institution, is not within the meaning of this clause. A law, therefore, authorizing divorces, although it impairs the validity of marriage contracts, is not a violation of the constitution of the United States. The trustees have no private interest in the property of this institution, nothing that can be sold or transferred, that can descend to their heirs, or be assets in the hands of these administrators, the beneficial interest being

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in the state; and those contracts alone, the parties to which have a vested, beneficial interest, are protected by this clause of the constitution.

To this, it was replied, that the framers of the constitution did not intend to restrain the states, in the regulations of their civil institutions, adopted for internal government; that this provision of the constitution never had been understood to embrace other contracts, than those which respect property, or some object of value, and confer rights, which may be asserted in a court of justice. It never has, says Chief Justice Marshall, been understood to restrict the general right of the legislature, to legislate on the subject of divorces. Those acts enable some tribunal not to impair a marriage contract, but to liberate one of the parties, because it has been broken by the other. When any state legislature shall pass an act, annulling all marriage contracts, or allowing either party to annul it, without the consent of the other, it will be time enough to inquire whether such an act be constitutional.

Dr. Wheelock, continues the Chief Justice, acting for himself, and for those, who, at his solicitation, had made contributions to his school, applied for this charter, as the instrument which should enable him and them to perpetuate their beneficent intention. It was granted. An artificial, immortal being was created by the crown, capable of receiving and distributing forever, according to the will of the donors, the donations which should be made to it. On this being, the contributions which had been collected were immediately bestowed. These gifts were made, not indeed to make a profit for the donors or their posterity, but for something, in their opinion, of inestimable value; for something, which they deemed a full equivalent for the money with which it was purchased. The consideration for which they stipulated, is the perpetual application of the fund to its object, in the mode prescribed by themselves. Their descendants may take no interest in the preservation of this consideration. But in this respect their descendants are not their representatives. They are represented by the corporation. The corporation is the assignee of their rights, stands in their place, and distributes their bounty, as they would themselves have distributed it, had they been immortal. So with respect to the students who are to derive learning from this source. The corporation is a trustee for them also. Their potential rights, which, taken

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distributively, are imperceptible, amount collectively to a most important interest. Those are in the aggregate to be exercised, asserted, and protected by the corporation.

Mr. Mason, in his argument, maintains, that the trustees have legal rights, both in their corporate and individual capacities. To this corporate capacity, they claim the franchise of being, and continuing to be, a corporation, and a right to possess and enjoy all the privileges granted and assured to them, by their charter; and, among others, the right to the property acquired under it. In their individual capacities, they claim the right to be members of the corporation, and to enjoy all the privileges accruing to them, from being members.

This being a private corporation, the trustees have legal rights and interests, which cannot be taken away or infringed, at the discretion of the legislature. The rights of private corporations are entitled to the same protection, as the rights of individuals. A corporation is created for the purpose of securing and perpetuating rights.

It cannot, says Mr. Webster, be necessary to say much in refutation of the idea, that there cannot be a legal interest or ownership in any thing, which does not yield a pecuniary profit; as if the law regarded no rights, but the rights of money and of visible tangible property. Of what nature are all rights of suffrage? No elector has a particular personal interest; but each has a legal right, to be exercised at his own discretion, and it cannot be taken away from him.

The several arguments urged for the defendant, were met and answered in detail by Mr. Justice Story, in the elaborate opinion delivered by him. In respect to *corporate franchises*, says the Judge, they are, properly speaking, legal estates vested in the corporation itself, as soon as it is in esse. They are not mere naked powers, granted to the corporation, but powers coupled with an interest. The property of the corporation rests upon the possession of its franchises; and whatever may be thought as to the corporators, it cannot be denied, that the corporation itself has a legal interest in them.

'The franchises granted by the charter were vested in the trustees, in their corporate character. The lands and other property subsequently acquired were held by them in the same manner. They were the private demesnes of the corporation, held by it, not as the argument supposes, for the use and

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benefit of the people of New Hampshire, but as the charter itself declares "for the use of Dartmouth College."'

There are other rights and privileges belonging to the trustees, collectively and severally, which are deserving of notice. They are entrusted with the exclusive power to manage the funds, to choose the officers, and to regulate the corporate concerns, according to their own discretion. The *jus patronatús* is vested in them. The visitatorial power, in its most enlarged extent, also belongs to them. When this power devolves upon the founder of a charity, it is an hereditament, descendible in perpetuity to his heirs, and in default of heirs, it escheats to the government. It is a valuable right founded in property, as much so as the right of patronage in any other case.

Speaking of the rights, interests, and franchises, of the trustees, under their charter, the Chief Justice remarks, 'this is plainly a contract, to which the donors, the trustees, and the crown, to whose rights and obligations New Hampshire succeeds, were the original parties. It is a contract made on a valuable consideration. It is a contract made for the security and disposition of property. It is a contract, on the faith of which real and personal estate has been conveyed to the corporation.'

It was therefore determined that this was a contract, the obligation of which could not be impaired without violating the constitution of the United States.

2. The only remaining question is, do the acts of the New Hampshire legislature impair its obligation? To dispose of this point, we have only to quote the concluding remarks of Chief Justice Marshall, in the opinion delivered by him, setting forth, with great clearness, the facts and reasonings which support it.

'From the review of this charter, which has been taken, it appears, that the whole power of governing the college, of appointing and removing tutors, of fixing their salaries, of directing the course of study to be pursued by the students, and of filling up vacancies created in their own body, was vested in the trustees. On the part of the crown it was expressly stipulated, that this corporation, thus constituted, should continue for ever; and that the number of trustees should for ever consist of twelve and no more. By this contract the crown was bound, and could have made no violent alteration in its essential terms, without impairing its obligation.'

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'By the revolution, the duties as well as the powers of government devolved on the people of New Hampshire. It is admitted that among the latter, was comprehended the transcendant power of parliament, as well as that of the executive department. It is too clear, to require the support of argument, that all contracts and rights respecting property, remained unchanged by the revolution. The obligations then, which were created by the charter to Dartmouth College, were the same in the new, that they had been in the old government. The power of the goverment was also the same. A repeal of this charter, at any time prior to the adoption of the present constitution of the United States, would have been an extraordinary and unprecedented act of power, but one which could have been contested only by the restrictions upon the legislature, to be found in the constitution of the state. But the constitution of the United States has imposed this additional limitation, that the legislature of a state shall pass no act "impairing the obligation of contracts."

'It appears that the act, "to amend the charter and enlarge and improve the corporation of Dartmouth College," increases the number of trustees to twenty-one, gives the appointment of the additional number to the executive of the state, and creates a board of overseers to consist of twenty five persons, of whom twenty-one are also appointed by the executive of New Hampshire, who have power to inspect and control the most important acts of the trustees.

'On the effect of this law, two opinions cannot be entertained. Between acting directly, and through the agency of trustees and overseers, no essential difference is perceived. The whole power of governing is transferred from trustees, appointed according to the will of the founder, expressed in the charter, to the executive of New Hampshire. The management and application of the funds of this eleemosynary institution, which are placed by the donors in the hands of trustees, named in the charter, and empowered to perpetuate themselves, are placed by this act, under the control of the government of the state. The will of the state is substituted for the will of the donors, in every essential operation of the college. This is not an immaterial change. The founders of the college contracted not merely for the perpetual application of the funds which they gave to the objects, for which those funds were given; they contracted also to secure the

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application of them by the constitution of the corporation. They contracted for a system which should, as far as human foresight can provide, retain forever the government of the literary institution they had formed, in the hands of persons approved by themselves. This system is totally changed. The charter of 1769 no longer exists. It is reorganized, and reorganized in such a manner, as to convert a literary institution, moulded according to the will of its founders, and placed under the control of private literary men, into a machine entirely subservient to the government. This may be for the advantage of this college in particular, and may be for the advantage of literature in general; but it is not according to the will of the donors, and is subversive of that contract, on the faith of which their property was given.

'In the view which has been taken of this interesting case, the court has confined itself to the rights possessed by the trustees, as the assignees and representatives of the donors, and founders, for the benefit of religion and literature. Yet, it is not clear, that the trustees ought to be considered as destitute of such beneficial interest in themselves, as the law may respect.' After some further remarks, showing such interest, the Chief Justice concludes, 'but the court has deemed it unnecessary to investigate this particular point, being of opinion on general principles, that in these private eleemosynary institutions, the body corporate, as possessing the whole legal and equitable interest, and completely representing the doners, for the purpose of executing the trust, has rights, which are protected by the constitution.'

We have thus attempted to give a summary view of the course of argument, in this important case. We wished to give an intelligible view of the great questions, upon which the cause turned; and keeping ourselves within those limits, we have been compelled to omit all notice of many subsidiary arguments. We have also omitted to notice the numerous authorities quoted and commented upon, selecting or condensing indiscriminately such statements and arguments as appeared best adapted to our purpose, and were sanctioned by the court.

We are very sensible, that no adequate conception can be formed of the powerful manner, in which this cause was argued by the counsel for the plaintiffs. The gentlemen engaged in it had long been trained in the habits of forensic dis-

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cussion; and deeply feeling their responsibility to their clients and to the public, they brought to their task all that ever makes men eloquent or convincing. Reasoning and authority seemed to be exhausted, and the cause of Dartmouth College, and of all literary corporations, appeared to be fixed immoveably on both.

In the opinions of the judges, formed with great caution, and after mature deliberation, embracing the wide extent of the arguments on both sides, every question was argued and determined with admirable fullness and precision.

Probably the only authority, bearing upon this case, which escaped the researches of the counsel and court, is contained in a book, entitled, Notes of Opinions and Judgments, delivered in different Courts by the Right Honourable Sir John Earldly Wilmot, Knt. The cause was heard before the Lord Chancellor Camden, assisted by Sir Thomas Sewall, Master of the Rolls, and Lord Chief Justice Wilmot.

The case came before the court, upon an information brought by the attorney general against Lady Downing, to have an execution of the trusts of the will of Sir George Downing, and the facts were these:

Sir George Downing seized of an equitable estate in fee, and having relations, by his will 20th December 1717, devised all his manors, messuages, lands, &c. to five trustees and their heirs, to the use of his nephews and other relations, and their issue male in strict settlement; and for default of such issue, he directed that his trustees should buy a piece of ground in Cambridge, and build a college upon it, to be called Downing College; and that a charter royal should be sued for and obtained for the founding of such college, &c. and immediately after such foundation, he directed that his trustees should stand seized in trust for such collegiate body and their successors forever.

All the trustees died in the life time of Sir George, and the devise to them became a lapsed devise.

The devisees named in the will, all died without issue male, and the information was brought at the relation of the chancellor, masters, and scholars of the University of Cambridge, against the devisee and heir at law of Sir Jacob Downing, who was heir at law of Sir George Downing, &c.

The defendant, Lady Downing, the devisee of Sir Jacob Downing, who was the heir of Sir George Downing, insisted

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by her answer that she was entitled to the inheritance of the estates, devised by the will of Sir George Downing, and that the trusts for founding and endowing a college were void.

Three questions were made:

1st. Whether the trusts are illegal and void.

2d. If not illegal and void, whether they are of such a nature, as that a Court of Equity, under the particular circumstances of this case, ought to aid and assist them, or leave them where they lie, or at least not interpose till a college is incorporated, and a license to take in mortmain is obtained.

3d. Supposing the trusts illegal and void, or of such a nature as not fit to be carried in execution by a Court of Equity, whether this court will apply the estate to some other charity *ejusdem generis*, and as near the testator's intention as the rules of law and equity will permit.

After a full discussion of all these points, the three judges declared their unanimous opinion, that the trusts of the charity in question ought to be carried into execution, after obtaining a charter, &c.

We make the following extracts from the opinion of Chief Justice Wilmot, as containing the liberal sentiments of a wise man.

'A gift for the advancement of useful learning is the most meritorious charity that can be given. Most charities terminate with the individuals, who are the objects of them. But donations of this kind are benefactions to the whole community. They furnish the means of bringing great parts, and natural abilities out into public service, and thereby become a charity not only to the persons, who are so helped forward in their education, but to the whole society, which reaps the benefits of those parts and abilities in the several stations in life, where providence places and employs them; and as Coke in arguing Porter's case says, "no time was ever so barbarous as to take away erudition and science."'

All people have at all times thought it most meritorious to promote and encourage them. Even Omar, who directed the Alexandrian Library to be burnt, did not wage war against useful learning, but thought if the learning contained in those books did not agree with the alcoran, it was noxious; and if it did, it was useless.

It has been observed, that it is an ostentatious attempt to perpetuate the testator's name.

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Wishes of this kind often influence the wisest and best of men. There is nothing immoral in yielding to such a motive, if it was the sole and only motive of such a disposition. It is a passion implanted in the mind, as a laudable incentive to industry, and the reward promised Abraham for his faith, 'I will make thy name great among the nations.'

Certain of the devisees are to change their names, but that circumstance will not affect the validity of the devise, and why should that circumstance be more disgustful in one case than in the other. To raise and establish a family in the testator's name and blood, was his first object: natural affection was the principal of that provision. To perpetuate his name by the medium of a college for the good of mankind, was his next object; social affection was the principle of that provision.

Admit that vanity had some share in both dispositions; it loses all its malignant qualities when it is productive of good. And in Popham 139, ascribing charitable gifts to vain glory and ostentation is said to tend to a public wrong, because it deters and discourages them; and perhaps the world owes some of the noblest and greatest benefactions, to this motive acting in a thousand shapes and forms. It is a spring not to be checked and stopped up; because under the direction of good laws, it becomes an inexhaustible source of benefits to mankind.*

We have already alluded to an attempt upon the charter of Yale College, made in the year 1763, by the General Assembly of Connecticut. At that time, the Rev. Thomas Clap was president of the college, and in a rare and valuable pamphlet, called 'the Annals, or History of Yale College in New Haven, in the Colony of Connecticut, from the founding thereof in the year 1700, to the year 1766,' he gives a brief statement of the case. This pamphlet, we believe, had not been found, at the time the cause of Dartmouth College was argued, although we perceive it is noticed in the appendix to the report.

It appears that in May 1763, nine gentlemen preferred a memorial to the honourable the General Assembly in Connecticut, wherein they represented that the General Assem-

* Downing College at Cambridge has of late years been built. It is a college for the study of the law.

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bly were *the founders of the college;* and as such, had a right to appoint visitors, *to reform abuses, if any were found, &c. &c.*

Jared Ingersoll and Samuel W. Johnson appeared as counsel for the memorialists, and alleged that the General Assembly *founded* the college, by giving a charter in the year 1701, which contained a donation of about sixty pounds sterling, to be annually paid out of the public treasury, &c. and that the then present assembly, as successors to the founders, had a right of visitation by the common law.

President Clap, who appears to have been master of his cause, placed it upon its true principles. He maintained, that the General Assembly were not, by the grant of the charter, or by subsequent donations, the founders or visitors in the sense of the common law; but that the first trustees who, two years before, had associated themselves, and made and received donations, were; that the right of visitation arose in law from the interest which the founder had in the college or hospital by his donation; that the first donation *only* creates the founder, and that all subsequent donations are presumed in law to be given upon the same end and design with the first, unless some particular limitation be expressly made.

The same principles were maintained and many of the books cited, which were discussed and settled in the case of Dartmouth College; and we have noticed it, not so much as a pertinent authority, as for the purpose of paying our tribute of respect to the memory of a man, who alone, ably and successfully defended the rights of his college against a powerful party in the legislature of the state, aided by the most eminent lawyers of their time.

Doctor Trumbull, the venerable historian of Connecticut, thus concludes his remarks on this subject: 'the memorialists and their whole party were greatly disappointed and chagrined, and the president got much honour by the defence which he made of the college. He appeared to be a man of extensive knowledge and real greatness. In points of law, especially as they respected colleges, he appeared to be superior to all the lawyers, so that his antagonists acknowledged that he knew more and was wiser than all of them. The question relative to the assembly's being the founders of the college, and having a right of visitation has never been publicly discussed since, and it is believed that it never will be again.'

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The law in relation to charitable foundations was drawn into discussion in England, at the time of its full examination here in the case of Dartmouth College. In the year 1816, a motion was made in the House of Commons, by Mr. Brougham, for the appointment of a committee, afterwards called the education committee, 'to inquire into the education of the lower orders of the metropolis, &c. and to consider what might be fit to be done, with respect to the children of paupers, who should be found begging in the streets in and near the metropolis.' This committee, of which Mr. Brougham was chairman, pursued their labours during the session of parliament, and at the conclusion of the session published a report, in which they recommended a parliamentary commission, as the most economical mode of bringing to light the numerous cases of abuse, which they presumed to exist. In 1818, the same committee were reappointed and immediately after, prepared a bill for the nomination of such parliamentary commission.*

The committee appointed in 1816 had extended their inquiries to the great national schools, such as Westminster, the Charter House, Winchester, Eton, &c. summoned and examined the masters, the statutes of the founders, on the implied or assumed ground, that these were charities connected with the education of the poor. The bill sanctioned and embraced the exercise of these powers and enlarged them so far, as to give to these commissioners jurisdiction over all the charitable foundations of the kingdom, a right to call before them persons, with the deeds and muniments of the property held by them in trust, and upon refusal to commit them to prison, there to be detained without bail or mainprize.

This bill, containing these unlimited powers, passed the House of Commons, without much examination of its details. The report of the committee had been published, setting forth many perversions and abuses of these charities; and the bill seems to have passed, under a state of popular excitement, favourable to its proposed objects. But when the bill came into the House of Lords, Lord Eldon remarked, that there were 'numerous and splendid charities, founded by munificent donors; and *cujus est dare ejus est disponere;* and such charities ought only to be under the *domesticum forum* of the visi-

* See letter to Sir William Scott.

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tors nominated by the founders, and courts of law ought to have nothing to do with them, unless they abused their trust; and he would resist to the utmost all legislative interference with their duties, and should be glad to know, where was the power of Parliament to interfere in such cases.'

This bill, however, entitled 'an act for appointing commissioners to inquire concerning charities in England for the education of the poor,' passed the House of Lords, with the following restrictions. *Sec.* 12. That none of the provisions herein contained shall be construed, to extend to either of the Universities of Oxford or Cambridge; nor to any college or hall within the same, nor to any schools or other endowment of which the said universities, colleges, or halls, are trustees, nor to the colleges of Westminster, Eton, or Winchester, or to the Charter House, or to the schools of Harrow or Rugby, or any of them, nor to any cathedral or collegiate church within England, nor to *any college, free school, or other charitable institution for the purposes of education, which have special visitors, governors, or overseers appointed by their founders.*' This provision is almost literally a transcript of the second and third sections of the statute of charitable uses, 43 Eliz. ch. IV.

In June 1819, the bill thus restricted came before the House of Commons, and Mr. Brougham moved to amend it, by striking out the clause 'exempting colleges, free schools or other foundations, having special visitors.'

Sir William Scott opposed the amendment, on the ground that the will of the founder, whether provident or not in the choice of visitors, as well as the plan of a charity, should not be interfered with. The house divided—for the amendment 75, against it 107, and so the amendment of Mr. Brougham was rejected by a majority of 32.

This subject has undergone much discussion in England during the last two years; and several pamphlets have been written in relation to the evidence of the particular abuses, detailed in the report of the committee. With these we have nothing to do; our concern is with the law; and the examination of this has been much more full and extensive in this country than in England. The Edinburgh and Quarterly Reviews have engaged in the controversy in the customary form of attack and defence of the ministry; but little can be found in either, touching its legal merits. The most temperate and best reasoned pamphlet that we have seen, is the

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Letter to Sir William Scott. This writer in answer to the complaint, that there is no remedy for these charitable abuses, after noticing the provisions of the 43 Eliz. and the proceedings under it, remarks: 'But the 52 of George III, *c.* 101, is a still easier remedy, and of so little cost and difficulty, that any charity, however inconsiderable, may have recourse to its powers. In this last statute, the alleged imperfection in the statute of Elizabeth, that of its not extending to charities specially visited, as far as relates to the abuse of the funds, is substantially supplied. Under the 52 George III the parties complaining of any abuse of the funds of the charity have little more to do than to petition. All the proceedings are exempted from stamp duties. The remoteness of the place where the charity is established adds nothing to the expense. The ordinary delays of the Court of Chancery do not occur in a proceeding under this act.'

Admitting, however, the perversions and abuses complained of, and also the insufficiency of the existing remedies, sensible men at a distance would be likely to say, *provide others which are legal.*

The jurisdiction which the Supreme Court of the United States has asserted in the case of Dartmouth College and its final judgment therein, by which the acts of a state legislature have been declared unconstitutional and void, and the judgment of its highest tribunal reversed, is pregnant with important results. In cases of this sort, where this court is called upon to discharge those high duties assigned it by the constitution, their proceedings are always regarded with deep interest, for it not only ascertains and determines its own powers, original and appellate, but it extends its inquiries to the acts and doings of states, and marks out and bounds their constitutional sovereignty. As the ultimate expounders of the constitution, it confines the legislative powers of congress within their just limits, and in more than one instance has declared its acts void.

According to the theory of our constitution, government is a trust, emanating from the people, and to be exercised for their benefit. The constitution of the United States was adopted by them, and the partition of powers made by it, between the general and state governments, was declared to be for the purpose of forming a more perfect union, of establishing justice, of insuring domestic tranquillity, and of providing for the general defence.

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It provides for the organization of three co-ordinate departments, and to each assigns certain enumerated powers. It declares, that the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as congress may, from time to time, establish; that this power shall extend to all cases, in law or equity, arising under the constitution, the laws of the United States, &c. And that the constitution and law of the United States, made pursuant to it, shall be the supreme law of the land.

In prescribing limits to the powers of the states, it declares, among other things, that no state shall enter into any treaty, &c. grant letters of marque or reprisal; coin money, emit bills of credit; make any thing but gold and silver a tender in payment of debts; pass any bills of attainder, or *ex post facto* law, or law impairing the obligation of contracts.

Much reliance was placed upon the security, which the due exercise of the judicial power would afford, to the rights of states, as well as of individuals, when infringed or invaded by the encroaching spirit of legislative bodies, either in the states or in Congress. In short, the judicial power was regarded by the friends of a new and better order of things, as a being, separated from the prejudices, the passions, and the interests of men, watching and regulating the movements of a complex system, and wholly intent upon the impartial administration of justice.

In what may be called its foreign jurisdiction, great powers are committed to it, involving great national interests. It is here, that it takes cognizance of cases arising under treaties, such as affect ambassadors, public ministers, and consuls, and cases of admiralty and maritime jurisdiction; and in the discharge of these high functions, it becomes associated with the enlightened jurists of all countries, in expounding and applying the principles of public law.

In its domestic administration it was considered as affording the best protection against the injustice of rival parties, or the violence of popular passions; and where, we now ask, could such a power be lodged, with more safety to the citizens or to the states, and with a better assurance of its honest exercise?

The Judges of the Supreme Court, it is presumed, are always to be selected from among the most eminent men in the profession of the law; and it is to be presumed, also, that

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every such man will always feel the just pride of the professional character. He will know, that his judgments must not only be made public, but the reasons and authorities upon which they are founded; and that no gross departure from the law can ever be made, in any case, without exposure, and the immediate expression of public feeling and opinion. Laws, it is true, may be enacted, which are inexpedient, or mischievous, or injurious to private rights, or against common right; because legislative bodies generally act upon the whole body of the people, often under the influence of popular excitement, and always without that feeling of individual responsibility, which dwells in the breast of the judge, who acts upon a few, in the presence of all. Every man, too, in the community, has an interest in the decision of every other man's cause. The rule in one case is to be the rule in all, and sympathy and interest unite all. The violation of a rule of law, in a single case, communicates a shock, like the electric spark, through the whole chain of common rights and interests. A judge, therefore, who should be without a due sense of character, would still stand in some awe of that tribunal, whose sense of right cannot be outraged without the most appalling punishment. No parts, however splendid, no learning, however profound, ever did, or can save, a corrupt or unjust judge, from the never dying disgrace of having perverted the law, to the ruin of an innocent man. The indignant sense of mankind marks him with merited scorn, while he lives, and loads his memory with infamy when he is dead. The history of Jeffries and even of Bacon, the 'greatest, wisest, meanest of mankind,' is enough to keep most judges decently within the rules of law.

Another security arises from the circumstance, that the Judges of the Supreme Court are selected from places and states remote from each other. Local interests or passions, which diffuse an influence within their own limits, of which all more or less partake, are lost or neutralized in the communion with men who have never been within the infected region. It is not perhaps in human nature, that a local tribunal, however honest in its purpose, should be entirely unmoved by the strong passions which surround it; or that its judgment should be wholly uninfluenced in deciding the very cases which had excited them. But when these cases come before the Supreme Court of the United States, it may be

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presumed, that there will always be a majority free from any such bias.

Notwithstanding all these precautions, we are aware it may be said, that as party or faction is the offspring of our institutions, and always the heir apparent to the throne, men *may be* selected for this high office, *because* they are known to be devoted to a great political party, and are ready to become the willing instruments of its ambition or its vengeance; and that no species of oppression is so hopeless or so terrible, as that which may be practised under the forms of justice. This is a truth of fearful import, and the only answer we can make is, that wisdom and foresight, aided by experience, having exhausted their means, in providing for our safety, if these possible evils do come, they must be left like all extreme cases to provide for themselves.

In reviewing that class of judgments of the Supreme Court, by which constitutional law has been settled, we find a considerable number, founded like the one before us, upon that prohibitory clause of the constitution, which declares that no state shall pass any law impairing the obligation of contracts.

In the year 1795, the state of Georgia granted, in the form of a bill passed by the legislature, a large tract of land to James Gunn and others; and the next year the legislature passed another act, by which they declared that the act of 1795, and all grants, rights, claims, &c. derived therefrom were null and void. In the year 1810, the case of 'Fletcher *vs.* Peck,' came before the Supreme Court, in which the validity of this last act of the Georgia legislature was drawn in question. And the court decided that the law of 1795 was a contract, that absolute rights had vested under it, and that the law of 1796 was unconstitutional, because it 'impaired its obligation.'

In the year 1812 was decided the case of 'New Jersey *vs.* Wilson.' In this case it appeared that the state of New Jersey had, before the revolution, made a grant of certain lands, with the special immunity or privilege that they should for ever remain free from taxation. In the year 1804 the legislature of New Jersey passed an act, repealing the former act, which had exempted the lands in question; and the court determined that such repealing act was unconstitutional, because it 'impaired the obligation of contracts.'

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In the case of 'Terret *vs.* Taylor,' the court in an elaborate opinion held, that a legislative grant was not revocable, and that property, held by certain persons for the use of the church, could not be divested by an act of the legislature of the state where the lands were situate; and in 'Pawlet *vs.* Clark' it was also held, that where lands were granted by the state, to the town in which they were situate, for the use and support of religious worship, the legislature could not, by a subsequent act, appropriate the same lands, for the use of the schools of such towns.

In the case of 'Sturges *vs.* Crowninshield,' recently decided, it was determined that an act of the legislature of New York, passed in 1811, so far as it went to discharge a contract, was within the prohibitory clause; and that a state had authority to pass a bankrupt law, provided it did not impair the obligation of contracts, and there was no law of Congress in force establishing a uniform system of bankruptcy.

The reasons of this prohibitory clause in the constitution, and the immense importance of it cannot be better set forth than in the remarks of Chief Justice Marshall, as reported in the case of 'Fletcher *vs.* Peck.' 'Whatever respect might have been felt for the state sovereignties it is not to be disguised that the framers of the constitution viewed, with some apprehension, the violent acts which might grow out of the feelings of the moment; and that the people of the United States, in adopting that instrument, have manifested a determination to shield themselves and their property from the effects of those sudden and strong passions to which men are exposed. The restrictions on the legislative power of the states are obviously founded in this sentiment; and the constitution of the United States contains what may be deemed *a bill of rights for the people of each state.*'

There is another class of judgments of the Supreme Court, calling in question the exercise of the legislative power by Congress, and several cases are reported wherein they have decided that Congress have, in the business of legislation, passed the constitutional limits, and that their acts were void.

In the year 1792, an act passed directing the Secretary at War to place on the pension list such disabled officers and soldiers, as should be reported to him *by the Circuit Courts.* This act, so far as it imposed this duty on the Cir-

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cuit Courts, was determined to be repugnant to the constitution, and was afterwards repealed.

In the case of 'Marbury *vs.* Madison,' decided in the Supreme Court in the year 1803, a rule was moved to shew cause why a *mandamus* should not issue, commanding James Madison, then Secretary of State, to cause to be delivered to the plaintiffs respectively their several commissions, as justices of the peace in the district of Columbia.

The court determined that they had no power to issue a *mandamus* in the case, it being an exercise of original jurisdiction not warranted by the constitution; and that Congress had no power to give original jurisdiction to the Supreme Court in other cases than those described in the constitution. It is there declared, that the Supreme Court shall have original jurisdiction in all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party. The act therefore, of Congress, to establish the judicial courts of the United States, and authorizing the Supreme Court to issue writs of *mandamus*, in cases warranted by the principles and usages of law, to any courts appointed, or persons holding office, under the authority of the United States, was declared to be unconstitutional and void.

It is quite obvious, that in the allotment of powers to the different departments of the government, little else could be done, than to mark out their great divisions. All that the framers of the constitution attempted to do, was to construct a map, which should exhibit the great boundary lines, leaving the smaller divisions and subdivisions to be drawn, as the cases should arise, which might demand such explanations. It followed of course, that as the powers granted were general, they carried with them an immense mass of implied and incidental powers, with such limitations only, as a fair and reasonable construction would impose. In the legislative department, for example, it first becomes the duty of Congress to exercise its discretion in the enactment of such laws, as are deemed necessary and proper to carry into effect the powers granted; and if they, at any time, aim at objects not within the scope of those powers, or by means and instruments not fairly derived from them, it then becomes the duty of the Supreme Court to interpose its correcting power, to keep them within their prescribed sphere of action. In the selection of means, and in their adaptation to the ends propos-

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ed, in executing the powers conferred by the constitution, a sound discretion is to be used; but, as in the chances and changes which await all political institutions, this discretion may be abused, an ultimate revising power is given to the Supreme Court. Such is the theory of our constitution, and such is the security provided by it against the abuse of the legislative power. At the same time, it is no less a part of this theory, that the legislative power of Congress, acting within its constitutional limits is and must be sovereign and supreme. In all cases where Congress have a right by the constitution to legislate, their acts must be uninfluenced and uncontrolled by the conflicting rights of the states. This is equally true of the judicial department. In the exercise of of its granted powers, of its original and appellate jurisdiction it is ultimate and supreme; at the same time, it is equally bound to respect the rights and jurisdiction of the state tribunals. All this results from the supremacy of the constitution. As it was the work of all, it acts upon all, for the benefit of all, and its action must not be obstructed by a part.

It will always be in the power of a state, or of its citizens, to bring to the test, every doubtful exercise of the power of Congress. Cases of this sort have already occurred. The state of Maryland imposed a tax upon the branch of the United States' bank established there, and the case came before the Supreme Court. The first question was whether Congress had the power to incorporate a bank, and in the discussion of it, the incidental and derivative powers of Congress, the choice of means, and their adaptation to the ends proposed, were fully examined, and the court determined that the creation of a banking corporation, was a proper and fit instrument for carrying on the fiscal operations of the government. Many examples of incidental powers were stated. The power given by the constitution to establish post offices and post roads was one. This power was executed by the single act of making the establishment. But from this power has been inferred, the power and duty of carrying the mail along the post road, and from one post office to another. And from this implied power, has again been inferred a right to punish those who steal letters from the post office, or rob the mail. The second question was, whether the state of Maryland could, without violating the constitution, tax the branch estab-

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lished there. In the discussion of this question, the concurrent and conflicting rights of states were explored and their just limits ascertained. The court having determined, that Congress had the power to erect a bank, and this power being necessarily supreme, it followed that a power to create, implied a power to preserve; the unlimited power of a state to tax was a power to destroy; and the exercise of such a power being inconsistent with the preserving power, it could not coexist with it, but must yield to that power, which was in its nature sovereign and supreme.

Every decision of this sort imparts something of solidity and durability to our constitution. It embodies abstract principles and gives them a local habitation and a name. A principle, however important, or even fundamental, is not always clearly discerned, by the great mass of men, or if it is, retains no firm hold upon the mind; it may be perplexed, or darkened, or overthrown by ingenious sophistry; but a judgment of the highest tribunal whose right and duty it is to expound the coustitution, connected as it usually is with interesting facts, is remembered, and exerts a salutary influence upon the public mind, even when the reasons on which it is founded are forgotten.

The state of Ohio has not chosen to submit to this opinion of the Supreme Court; but has proceeded by legislative and judicial acts, to lay and collect a tax upon the branch of the United States' bank established there. The government of the United States will proceed by its civil officers and process to act upon persons and parties, and it will remain with the state of Ohio to suffer the law to take its course, or to put itself in array against the government of the Union. If the last alternative is chosen, the question will then assume a new aspect, and must be decided like any other controversy between sovereign states.

An attempt to impede the execution of the civil process of the United States Court, was made in the year 1808 by the state of Pennsylvania. The case came before the Supreme Court upon motion for a *mandamus* to the district judge of Pennsylvania, directing him to execute the sentence pronounced by him in the case of 'Gideon Olmstead and others *vs.* Rittenhouse's executrixes,' or to show cause for not so doing. The cause shown by the district judge in his return, was an act of the legislature of Pennsylvania passed subse-

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quent to the rendition of his sentence. This act authorized and required the governor to demand for the use of the state, the money which had been decreed to Gideon Olmstead and others, to direct a suit to be instituted for its recovery, and to use such further means as he should think necessary to protect the just rights of the state, &c. &c. A military force was ordered out, a peremptory *mandamus* was awarded by the Supreme Court, and the sentence of the District Court was peaceably executed.

In the execution of powers granted, or presumed to have been granted to the executive department, cases will arise, requiring the final judgment of the Supreme Court, to confine this department also within its lawful limits. One case of this kind has already occurred. The proclamation of the president of the United States, restoring the non-intercourse acts upon the failure of the arrangement made with Mr. Erskine, was declared by the court to be illegal and void.

Another case arose during the late war with Great Britain, which brought in question the right of the executive department to decide upon the existence of those emergencies, upon the happening of which, the militia of a state might be employed in the service of the United States. The constitution vested in the Congress the power to provide for calling forth the militia, *to execute the laws of the Union*, to *suppress insurrections*, and repel invasions. The president of the United States claimed the power to decide the fact in relation to either of these emergencies, pursuant to an act of Congress passed 28th February 1795. The Supreme Court of Massachusetts, whose opinion had been required by the executive of the state, determined that this power was not given, either to Congress or the president, but was vested in the commanders in chief of the militia of the several states. The militia were withheld by the governor of the state, and nothing afterwards occurred to bring the case within the jurisdiction of the Supreme Court of the United States.

We are aware of popular impressions in relation to this case, and we also know that they are dangerous expounders of constitutional law. At present, it is enough for us to say, that whenever this question comes judicially before the Supreme Court of the United States, it may be determined in the same way it has been; and if not, the consequences resulting to the people of the United States may be of such a

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nature as to unite them in providing the only proper remedy, an amendment of the constitution.

One case has arisen which drew in question the appellate power of the Supreme Court, and this case arose in the state of Virginia. The Court of Appeals, the highest tribunal of the state, in the case of 'Martin *vs.* Hunters, lessee,' determined that the appellate power of the Supreme Court of the United States did not extend to that court under a sound construction of the constitution; and that the judiciary act, which gave appellate jurisdiction to the Supreme Court, was repugnant to the constitution. This opinion of the Court of Appeals was reviewed on a writ of Error, and finally reversed by the Supreme Court.

Our limits have only permitted us to indicate a few of the topics of discussion, in relation to the subject of constitutional law, and to notice some of the most important judgments of the court. This part of the law of the land is daily becoming more interesting, and exerting a wider influence upon the affairs of our country, from the respect that is generally felt for judicial decisions, from the intelligible form in which principles are exhibited, and from the gradual formation of a body of constitutional exposition, which will furnish precedents and analogies to future times. Within the last twenty years, we have seen the judicial department protecting the rights of the citizens of a state against the injustice of their own legislatures, and keeping within their constitutional bounds the legislative and executive powers of the union; and, through the disastrous changes that await all free governments, it may be found to be the strongest barrier against the tide of popular commotions, or the usurping spirit of popular assemblies. In the divisions which political opinions, or territorial lines and interests may make upon the great map of the empire, every good man would wish that the law should be supreme over all. While justice is allowed to do her work, uncorrupted and unobstructed, the ignorant prejudices, the local interests and passions of the day may mix, and ferment, and explode without danger to our civil state. It is our just pride, that we have attempted a mode of government, which divests itself of all the support, which is derived from the honest weaknesses and attachments of the human mind; which, disclaiming all alliance with reverence for ancient authority, or the deep rooted habits of unthinking obedience, trusts itself, with no

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other attractions than its own moral worth and dignity, to the custody of our virtues. By subjecting legislative bodies to rule, and holding them under the restraints of those fundamental principles and enactments, which we call the constitution, we have given a new dignity and higher duty to LAW, and realised the noble idea of a moral supremacy, clothed with power, to hold not only subjects of the government to a just performance of their various individual duties, but also the government itself, in all its departments, in its proper place and sphere.

In the brighter moments of our hopes for the future fortunes of our country, we are ready to exclaim with Sir William Jones :

> What constitutes a state?
> Not high raised battlement or laboured mound,
> Thick wall or moated gate ;
> Not cities proud, with spires and turrets crown'd ;
> Not bays and broad armed ports,
> Where, laughing at the storm, rich navies ride ;
> Not starr'd and spangled courts,
> Where low brow'd baseness wafts perfume to pride.
> No ! Men, high minded men,
> With powers as far above dull brutes endued,
> In forest, brake, or den,
> As beasts excel cold rocks and brambles rude ;
> Men, who their duties know,
> But know their rights, and knowing, dare maintain,
> Prevent the long aimed blow,
> And crush the tyrant while they rend the chain:
> These constitute a state,
> And sovereign LAW, that state's collected will,
> O'er thrones and globes elate,
> Sits empress, crowning good, repressing ill, &c.

We may be told that this is the *beau ideal* of government, the vision of a perfect commonwealth ; and so it is:—still the hopes of patriots and sages, amid discouragement and defeat, gather about and rest upon it, with something of that gladness of heart, which the tired traveller feels, when he first descries the sun lights upon the distant towers of the happy valley.

Although the dangers of American liberty arise and press upon us from every side, to chastise our hopes and our confidence, the duty of its true friends is not doubtful. They

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must labour to augment that moral force, to which its very existence is committed; and if their efforts are unavailing here, they may address those who are doomed to witness its decline and fall in the language of Hector,

Si pergama dextra
Defendi possent, etiam hâc defensa fuissent.

ART. VII.—*Proceedings and Report of the Commissioners for the University of Virginia, presented 8th of December*, 1818. Richmond, printed by Thomas Ritchie, 8vo, pp. 34, 1818.

THE Literary Fund of Virginia was stated, in an official report of the board of trustees, to amount on the 1st of December 1818, to $1,114,159. The same report states that the annual income of the Fund, when it shall have been increased by the sums still due from the United States to Virginia, on account of monies advanced for military service in the late war, and by fines, forfeitures, escheats, and lotteries, will probably amount to $90,000 per annum. Nothing in the United States except a similar fund in Connecticut, which amounts, we believe, to between thirteen and fourteen hundred thousand dollars, can be compared to this splendid public dotation of literature.

By an act of the assembly of Virginia, about two years ago, an act which we have not had the advantage of seeing, the income of this large fund was appropriated to the establishment of schools for the education of the poor, according to an apportionment among the various counties of the state, and to assist the foundation of the University of Virginia. We believe that the greater part of the income of the fund was appropriated to the *former* of these purposes. It is to the same purpose that the greater part of the Connecticut fund is also appropriated. We can conceive of circumstances, particularly in Virginia, which may make such public patronage of primary schools for the education of the poor desirable and even necessary. But inasmuch as this primary education is procured at little expense, and is of such obvious and indispensable necessity that parents, even of narrow and illiberal minds, are commonly willing to furnish it to their children, we cannot but think that such primary schools may better be

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left to the counties or the towns, and that great legislative patronage should be reserved for the higher institutions, which require expensive buildings, apparatus, and foundations. Experience, we believe, has taught in the state of Connecticut, that the primary schools are in no degree better, under the rich patronage of the school fund, than in Massachusetts, where every thing is left to the towns and parishes, acting under the provisions of the law of the state, which obliges every town to support primary and grammar schools. It might indeed have been foreseen that the citizens, in their town and parish capacity, would seize the excuse of such supplies from a fund, to withhold all further contribution; and it would be a singular instance, if this spirit were not sometimes carried so far, as to turn what would have been a powerful auxiliary into an insufficient principal; leaving the schools worse in fact, than they would have been without any such fund. We have already said that we can conceive of circumstances in the situation of Virginia, particularly those which arise from the want of density in her population, which may make legislative patronage full as necessary to primary schools, as to academies and universities.

In pursuance of the act of the assembly, authorizing the appropriation of a part of the Literary Fund to the foundation of a state university, the commissioners appointed under this act, and for the purpose of carrying its provisions into effect, met on the 1st of August 1818, at Rockfish Gap, on the Blue Ridge, and agreed to the Report, of which the title stands at the head of this article. Among the members of the board of commissioners, we observe the names of Messrs. Jefferson and Madison, and the Report before us is ascribed to the former of these gentlemen, who acted as the president of the board.

The first business of the board was to fix on a site for the University. Three places were proposed; Lexington, in the county of Rockbridge; Staunton, in the county of Augusta; and the Central College, in the county of Albemarle. The preference was given to the latter situation, as being the centre of the white population of the state.

The Board next proceeded to consider a plan of university buildings. They recommend *pavilions*, to contain each a lecture-room and from two to four apartments, for a professor and his family; and that these pavilions should be united by a range of *dormitories*, sufficient each for the accommodation of

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two students only, this provision being deemed advantageous to morals, to order, and uninterrupted study; and that a passage of some kind, under cover from the weather, should give a communication along the whole range. Besides this, it is proposed to have, for the dieting of the students, *hotels* of a single room for a refectory, and two rooms for tenants charged with this department. It is also supposed by the Board, that a building of somewhat more [larger] size, in which may be rooms for religious worship, under such impartial regulations as the visitors shall prescribe, for public examinations, for a library, for schools of music, drawing, and other *associated* purposes, will in time be called for.

We understand from this statement of the plan of buildings, that professors' houses, placed at proper intervals on the sides of a lawn to be left indefinitely open on one side, are to have wings, consisting of what we should call a row of one-story buildings, for the accommodation of students, two in a room. It appears to us that a provision of from two to four rooms is inadequate for a professor and family. One room must needs be a study, one a parlour, and one a kitchen; leaving but one lodging room for the professor and his family. Moreover, though the college discipline would certainly gain, and that in a high degree, by thus stationing the tents of the professors, at proper intervals, along the camp of the students, yet the comfort of the family would suffer in an equal degree; nor can a more unpleasant residence for its inmates be imagined, than a pavilion thus surrounded and exposed. This is a matter of more consequence than may at first appear, since nothing would be more unfavourable to the interests of the university, than any circumstance which might tend to make it an ineligible family abode, and thus throw it into the hands of young literary adventurers, who would regard it merely as a temporary resort, for a few preparatory years.

With respect to the one-story dormitories for the students, we are unacquainted with those circumstances in the climate of Virginia, which may make such edifices comfortable. With us they would be likely to be cold in winter and hot in summer. They also lengthen unnecessarily the line to be overlooked by the professors, and increase for this reason the difficulty of college discipline, at its best estate difficult enough. We are also decidedly of opinion that, except in peculiar cases, apartments for a single student are far more

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favourable 'to morals, order, and uninterrupted study,' than the common plan of putting two tenants into one room. The arrangement in Holworthy Hall at Cambridge is thought by some persons to combine the advantages of both plans. In that building, two students have a *suite* of apartments consisting of a sitting room and two bed chambers, which in summer serve also for studies. But for ourselves, we prefer one room, small as it may be, for one student; not, however, that we would put a compulsion on those, to whom the increased expense of fuel and light would make this plan oppressive. We are a little surprised at seeing nothing said of a larger building for religious worship, public examinations, a library, &c. but that 'it is supposed probable, that it will be wanted in time.' Not to speak of the first of these purposes, religious worship, with regard to which, the university will probably be under peculiar regulations, which this is not the occasion to discuss, what step can be taken without an apartment for public academical occasions, without halls for the various parts of scientific and literary apparatus, especially for that which is the life and soul of any university, a library?

After some remarks on the different objects of primary and academical education, and on the general importance of the latter, remarks in themselves just and forcible, but to which we should be apt to say in this part of the country, *res acta agitur*, the Board proposes the following plan of study, which we copy as it stands in the Report.

'Encouraged, therefore, by the sentiments of the legislature manifested in this statute, we present the following tabular statement of the branches of learning, which we think should be taught in the university, forming them into groupes, each of which is within the powers of a single professor.

1. Languages ancient { Latin, Greek, Hebrew.
2. Languages modern { French, Spanish, Italian, German, Anglo-Saxon.

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3. Mathematics pure
- Algebra
- Fluxions
- Geometry elementary
- ——— transcendental
- Architecture military
- ——— naval.

4. Physico-Mathematics
- Mechanics
- Statics
- Dynamics
- Pneumatics
- Acoustics
- Optics
- Astronomy
- Geography.

5.
- Physics, or Natural Philosophy
- Chemistry
- Mineralogy.

6.
- Botany
- Zoology.

7.
- Anatomy
- Medicine.

8.
- Government
- Political Economy
- Law of Nature and Nations
- History, (being interwoven with politics & law.)

9. Law Municipal.

10.
- Ideology
- General Grammar
- Ethics
- Rhetoric
- Belles Lettres & the Fine Arts.'

To discuss thoroughly this plan of study would require us to go deeply into several questions, each of which would be enough for a separate article, particularly that of the relative importance of classical literature, as a part of learning. This subject is becoming daily more interesting in our country, and we shall need no apology for often calling the attention of our readers to it, in the subsequent numbers of this Journal. We can afford at present only to make a few general remarks, on the plan of study here proposed.

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In the particular explanation of the objects of the professorship of ancient languages comprising the Latin, Greek, and Hebrew, these objects are stated to be the completion of the classical learning of the students, 'by *the study of the authors of the highest degree*,' and 'the attainment of *a finished knowledge of the Latin and Greek*.' In a subsequent explanation, it is also stated, that the knowledge of the Latin, Greek, and Hebrew to be obtained, is to serve as a general basis of theology, to such as may be afterwards inclined to pursue that study farther.

Here we are constrained to remark, that for these objects, not to say for any objects, one professor of Latin, Greek, and Hebrew is too little. Here is no controversy about the relative importance of classical and other learning. The avowed object is the reading of Greek and Latin authors of the highest class, and the attainment of a finished knowledge of those languages. No one man's time, if there were no other question, could suffice to read these authors with or to a hundred students, and surely no smaller number than this can be expected. The most ill provided school furnishes double this quantity of aid; though school teaching admits of help by monitors, &c. which academical teaching does not. The Boston Latin Grammar School, the most respectable institution of the kind in our country, has five instructers for 180 pupils. We do not mean to say that it is necessary to provide academical instruction in this ratio, but certain we are that the service, which *one* man can render a university in the reading of the highest classical authors, and attaining a finished knowledge of the ancient languages, will be found on trial to be inadequate. We have not spoken of the somewhat liberal assumption, that individual professors themselves are to be found, each perfectly skilled in all these ancient languages. For it must be remembered that it is necessary, not only for a professor's reputation, but for the actual success of his teaching, that he know a great deal more, than he is obliged to teach. He cannot read any of the highest authors, without being able to read them all familiarly; and before he can dispense any of the parts, he must himself possess the whole. We should say this of the Latin and Greek alone. The addition of Hebrew we suppose to have been made to the plan, rather for the sake of giving it systematic fulness, than in the expectation that instruction in Hebrew

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would be called for. Should it in reality be wanted, by however small a number, since as much acquaintance with the subject is wanting to teach two as twenty, it need not surely be stated, that this language, of a different stock from the Greek or Latin, and to be studied through a totally different series of writers, makes a most serious addition to the task of him, who is to provide for all the Greek and Latin instruction of the university. Pretenders enough to these three languages, and as many more as the Board might have pleased to associate with them, may no doubt be found. But a modest, solid man to teach all this will be a rarer acquisition. It will be well to take some pains to secure such a man, for the facility of imposition in the untravelled regions of Hebrew and its kindred dialects is memorably illustrated in the account of the life of the author of Anacharsis.

We highly approve of the professorship of the modern languages, and could wish to see this example followed by such of our universities, as have not already made provision for them. It would not, perhaps, have been amiss to name the Portuguese language, with the Italian and Spanish; as being one of those tongues which can boast of a universally recognised national literature. We rejoice too at the kindly remembrance, in which our almost forgotten ancestor the Anglo-Saxon is borne. An acquaintance with it unquestionably belongs to a thorough education in the English tongue. We object, however, to calling it 'the first link in the chain of the historical review of our language.' What is justly said of the German language in the report, that it is a branch of the same original Gothic as our own, might with equally propriety have been said of the Anglo-Saxon. The Gothic is certainly to be regarded as the oldest form of the great Teutonic stock of languages, of which the Anglo-Saxon, the ancient German, the Icelandic, the Low German, the Swedish, the Danish, the Dutch, the Flemish, and the High German are earlier or later descendants. We mean to say that the Anglo-Saxon is not a dialect, so distinct and peculiar, as to be entitled to this exclusive place in the early history of the English language. To understand any of these earlier dialects well, the few remains which we have of all of them must be compared, and that not in vocabularies, but by a patient study of the fragments themselves. This has hitherto rarely been done. Such etymologies as you find in Jamieson's

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Scottish Dictionary, such referring of this root to one dialect, and that to another, such distinctions between Mæso-Gothic, and Suio-Gothic, and Alemannic, when the roots in question are for the most part, as far as we are able at this day to judge, common to all, do but prove how little dependence is to be placed on glossary and dictionary learning. So gross is the ignorance of the English and American public, in this respect, that the language of Holland is still called Low Dutch, as if there were any such thing as High Dutch, and the language of Germany is still called High Dutch, though it is no Dutch at all. The Gothic is the more entitled to the notice we claim for it, since the additional discoveries of the Version of Ulphilas, which have been made at Milan, and which will unquestionably open a new and very wide field, in the study of the antiquities of the English language. With respect to the resemblance of the Anglo-Saxon to the English in its present form, we are apt to think it somewhat overstated in the report. 'It even now needs only to be printed in the modern character and orthography, to be intelligible in a considerable degree, to an English reader.' What would an English reader make of a passage like the following from the beginning of the second chapter of King Alfred's version of Boethius, which we take as the first specimen of the Anglo-Saxon at hand, from the history of the English language in Johnson's Dictionary. 'Tha hoth the ic wreccan geo lustbærlice song ic sceal nu heofiende singan. Mid swi ingerathum worthum gesettan. Theah ic geo hwilum gecoplice funthe. Ac ic nu wepenthe giscienthe of gerathra portha misfo me ablenthan thas ungetreowan worulth sæltha.'

We are not quite sure that it is correctly stated to be an advantage of the Anglo-Saxon over the Greek and Latin, that 'the former gives the radix of the mass of our language, while the latter explain its innovations only.' The English language is a mixed one. Three great stocks with some minor contributions form it: the Teutonic, the Celtic, the Roman. We are not persuaded that the Teutonic roots outnumber the two other sorts: nor are we quite convinced, if they do, that the roots of the Roman stock are to be set down as mere innovations, as interpolations into the language, while the Teutonic roots alone are allowed to be integral parts. However this may be in point of right to a name, in matter of fact, it is surely as important to know the source

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of these subsequent additions, as of the original roots. The Norman French was introduced into England, by the same right of conquest that brought in the Anglo-Saxon; and it is of right the Celtic roots alone which can claim precedence in the British family of speech. These of course are too few to be named as a separate dialect, especially as the study of the Celtic remains is perplexed with such a vexatious and inexplicable controversy about their authenticity. We were a little grieved, if we may say so without disrespect toward the distinguished name at the head of this report, to hear of 'the *few weeks* of attention, which would alone be requisite for the attainment of the Anglo-Saxon.' Though we could never be guilty of the rudeness of placing any suggestion sanctioned by that illustrious name on a level with the chimerical projects of the day, we must confess ourselves fairly fatigued with these six weeks' plans of learning languages. We have now on our table, or rather under it, a plan for learning French in twenty four lessons, and Hebrew in thirty, with the assurance that Latin and Greek may be done up, with equal ease. We know not which most to wonder at, the good nature with which discreet people suffer pretenders to confound learning a language, with learning something of it; or the hardihood with which the experience of the world is still set at gross and open defiance, and itinerant sages are imagined to have a magic key, to unlock that chain, by which the gods have bound labour and acquisition together. Analysed and sifted, indeed, these pretensions, gross as they are, come to nothing; for the gentle pupil is ever duly warned that 'correctness and facility will come by practice,' as if any thing but correctness and facility were worth having; as if it were not precisely this *practice*, which our wise men affect to dispense with. As to Anglo-Saxon, we have no objection to the learning of the alphabet and the meaning of the more obvious roots, in a few weeks: though the quantity of time contained in a few weeks, will vary greatly, accordingly as they are exclusively devoted to any one pursuit, or two or three hours are spared from each day, which we apprehend is as much as would fall to the share of the Anglo Saxon. To become familiar with this dialect, to compare it with the others equally near the common stock, to note the errors in our common lexicographical and etymological works will be the work neither of weeks nor months; and less

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knowledge than this is of no great value, certainly of no value, as a part of a critical study of English.

As the French nomenclature is so far followed, in the fourth department, as to make the terms physics and physiology synonymous, terms which in the English writers denote sciences very diverse from each other, it might have given more harmony to the language of the plan of study, had the French phraseology taken place of the English denomination Fluxions, in the department of the pure mathematics. We confess ourselves, moreover, not prepared to find in this department of pure mathematics, a place assigned to military and naval architecture.

It is not perhaps philosophically wrong to class geography under the next head, of what is usually called mixed Mathematics, and which is here called Physico-Mathematics. But surely it is sacrificing too much to system, in a practical method of education, to separate geography from history, which gives it so much of its interest. We trust this will be one of the subjects on which to exercise that discretion, which the report claims for the visitors, of grouping differently the subjects according as expedience may suggest.

The tenth department appears to us to be overcharged. 'Ideology, General Grammar, Ethics, Rhetoric, Belles Lettres, and the fine arts', with the addition of Natural Theology, stated in an explanatory remark to belong to this department, are surely branches too numerous and too dissimilar for any man, however unwearied his industry, or versatile his talents. What connexion is there between the science of thought, and the fine arts, or between either and morals, that they should thus be grouped together? We are aware that in the University of Edinburgh, the Philosophy of the Mind, a name which we prefer to Ideology, has been long taught by the Professor of Moral Philosophy. This, however, is doubtless an accidental thing, owing to some want of a separate chair for metaphysics, or at any rate, it is but the union of two branches, while we have here, at least, four, which are usually held to be great departments of themselves.

We have not time to accompany the Board through the rest of the Report, though the remaining portions present many important topics of discussion, particularly with regard to academical discipline. We beg leave to commend the

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whole Report to our readers, as an uncommonly interesting and skilful paper; well assured that they will overlook a little *neologism* in the language, and a few unauthorized words such as *location*, *centrality*, *grade*, and *sparse*, for the sake of the liberal zeal for science which it breathes and inculcates.

The general subject of academical education is so important that we venture to ask the attention of our readers a little longer to it. There are two questions to be asked on the subject of universities, first, what a university ought to be, second, how shall it be founded and supported.

Though used in the same general sense in Europe and America, the word university is commonly applied by us to institutions considerably different from the European, at least, from the continental establishments: for the plans of the English universities coincide essentially with those of the best American ones. The universities on the continent are properly speaking professional schools; places to which young men who have carried their classical studies to a high degree of perfection, at gymnasia or high schools, resort for the study of their profession, of law, physic, or divinity. It is here too, that they prepare themselves for another profession, scarcely known with us, viz. the Classical. All who look forward to places of instruction at the universities or the academies, who propose to get their living as professors or school-masters, together with the students of theology, to which class in fact the other for the most part belongs, these all make philology in its widest sense a great and constant study. Nor is it to be supposed that the other students who are preparing themselves in the faculties of law, physic, and divinity, confine themselves illiberally to the routine of the professional lectures. There are some kindred branches of knowledge cultivated by the students of each profession, and a few of popular and universal interest attended to by all. Antiquities, the branches of natural science, history, geography, statistics, diplomacy, mechanical processes, agriculture, forestry, the fine arts, archaiology, or the remains of ancient art, hold out attractions for some in each of the professions; and especially occupy the attention of the young men of leisure and fortune, who without devoting themselves to any particular profession, wish to obtain a finished education.

Is nothing of all this wanted in our country? Is it not a defect of our university system, as well as of the English,

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that no reference is had to the destination of the student, but that he is required to dip into the whole circle of science? No more of the ancient languages is taught at the universities to those, who are hereafter to expound the Hebrew and Greek scriptures, than to those who mean to live in law and politics. Nor are the natural sciences farther explained to him, who is to be a surgeon or physician, than to the future lawyer or minister. How extremely loose men's notions on this subject are, may be seen from the practice of some of our universities, where anatomical demonstrations are made to all the members of the college class, of whom not a sixth part will treasure up the difference between a vein and an artery, a nerve and an absorbent vessel. The report before us provides for a similar amount of medical instruction, without considering that it is too superficial for the professional student, and will in two years, not to say months, be wholly forgotten by all the rest.

But some one may reply, that besides our universities we have professional schools. There are the medical schools at Baltimore, Philadelphia, New York, New Haven, Boston, and Hanover; there are the law schools at Litchfield and Cambridge; the divinity schools at Princeton, New York, Cambridge, and Andover. It is true there are these institutions, more or less resorted to, and more or less deserving to be. But there are two things to be answered to this. The one is that after all, for whatever cause it be, a small part of the professional education which the country requires is sought at these places. Take the country through, and we are nearly sure that not more than half the physicians, and quite sure that not near even that proportion of the lawyers and ministers are educated at these schools. So that if the want of places for professional education be a real defect, these schools do not remedy that want. But secondly, it cannot be expected that they should remedy it. If a part of the fault lies in the state of our society, where it is too easy for any body and every body, with or without merit or education, to get well on, another and perhaps the greater part of the fault lies in the institutions themselves. They are not attractive enough. With two or three exceptions, which it is not necessary to name, they do not hold out very high inducements, even in the single thing, in which they profess to deal. In most of our professional schools even the one little nos-

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trum of which the name is painted up in gilded letters on the sign-board, is dealt out to moderate amount, and not always of the first quality. But more than this, these professional schools suffer from this very division and partition of branches. Learning is not such a wretched mechanical thing, that you can cut it in pieces and carry the parts hundreds of miles from each other, and they will still retain all their properties. It is a living body; its different members belong together, commune vinculum habent; they never possess their true nature and activity when they are sundered. There is a proper corporate spirit in a Universitas Artium, in a place where all the branches of useful knowledge, all the parts of a finished education are brought together to emulate each other, to illustrate, to adorn, to aid each other; and but a small part of this spirit goes with the separate portions of the dismembered whole when removed to a distance from each other. There are many great establishments wanting in a university, above all a grand library. The resources of a single professional school are inadequate to procure these. There are many subsidiary and illustrative branches of knowledge belonging to all professions, but not peculiarly so to any, and these can never be expected, can never be supported at a single professional school. At which school, for instance, the medical at Philadelphia, the legal at Litchfield, or the theological at Andover, would you fix a professor of statistics and geography?

Others will start from the beginning, and say that the whole thing is useless, that we do not want any professional institutions; that it is best to learn in the old way, in the office of the lawyer and the study of the doctor or the minister. This notion, it is true, is so fast disappearing that it may seem fighting with shadows to assail it. Still we think there are many sensible people, who hold it, some of one profession, some of another, some of all; and of these we would ask but a moment's reflection. We think it necessary to have schools for the a, b, c. As soon as a child can articulate he is put into a class. Reading and writing must be systematically taught, and schools established for instruction in these branches. Then we have other schools and academies for Latin and for Greek, for geography, history, arithmetic; and we have what we call universities to enlarge on all these branches, and to teach a little of all that belongs to a liberal

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education, and here it is that our establishments fail us. The most important and farthest advanced portions of education are left without aid, and young men must grope their way without system or organization through the most difficult and momentous part of their preparation for life. And when you labour to expose this enormous incongruity, there are never wanting men to defend it, and that plausibly. The main reply now is, that the present mode is adapted to the state of our country, as if there were any thing in this splendid prosperity, this wonderful growth, this youthful vigor of political existonce, which did not rather make it fitting that every thing with us should be upon the most liberal and accomplished footing. This reply however, is sufficiently met even by our own practice. It needs no words to prove this of medicine, since every body who can afford it attends his medical courses. The success and reputation of the medical school at Philadelphia, to name no other example, is the completest vindication of the public mode of pursuing at least this one profession.

Law, throughout the continent of Europe, is taught at the universities; in England it is taught in private, much as with us, and it is a fair question, which is the best method, and which is the best adapted for America. The continental law is substantially the civil. It is principally contained in the Institutes and Pandects, or in codes formed on them. Its texts are in a learned language, and so are its best expositors. It is therefore purely an academical, to a good degree, a classical study. But not only is the scientific and theoretic part of the continental law taught in lectures at the universities, but the details of practice, the modes of proceeding in court, are taught in the same manner. Nay more, the law faculty at the several universities in Germany, is a Court of Appeal, or rather of reference. The acts of every important case are sent to some law faculty to decide; not only the law, but the fact is pronounced upon by them; nor does it often happen that their decision is departed from, when returned to the final tribunal. All this certainly conspires to give an academical character to the continental law. The English law is overloaded with forms, which must be learned by witnessing their constant repetition in practice. This part of the profession must perhaps of necessity be learned in the office or the court. But even these forms of the letter have a philosophy, an origin, a connexion with the spirit, which would form

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no insignificant part of a course of lectures on our common law. But our law, as well as the civil law, is contained in books,—is to be learned from books. That we have not had our Justinian, is a circumstance which does not make it less necessary, it surely makes it more necesary, for us to pursue the study, with all the artificial aids of academical method. What are the Pandects, the Institutes, the Constitutions, or the Novellæ? What are the fragments of Ulpian, or the Institutes of Gaius, compared with our law digested and not digested, our treatises on all the parts, and every part, our libraries of Reports, and of Statute books? Does there want no system here? Is every student, under every lawyer, in a hopeful way to find the shortest and safest path through this perilous maze? Are not the multitude of books, the want of a digested system of the whole law, the confusion and obscurity of some of the most important treatises, and the want of reference of the whole to one grand plan of law study, are not these so many obvious reasons why an attempt should be made to supply, in the manner of learning, that method, which is wanting in the records of the science itself, and to give that symmetry to our legal education, which characterizes the writings of the continental jurists, so highly to their advantage in comparison with ours? Surely the few experiments made in thus systematizing our study of the law are such as to encourage the continuance of similar experiments. Blackstone's Commentaries were the production of a professor of All Souls' college in Oxford. Our present loose method will have more to say for itself when it has produced many treatises like this. It is in this form we would have our law taught, though it might not be safe to trust our professors with Sir William's daily bottle of port, or to require of the student with us, as is done of the students at All Souls', that he be bene natus, bene vestitus, et mediocriter doctus. Besides our common law, which might, for the reasons we have hinted, we think, be advantageously studied in the academic method; there is the civil law, which it would do us no harm to know something of. Our law is not yet built up. Nolumus leges Angliæ mutari is not our principle. We will have the law of America to be changed, where it is unjust, or obscure, or wavering, or defective. It is our duty to resort to all the sources which are open to us, for the means of healing these defects, where they exist. The civil law is the richest of these sources, and ought to be studied by all,

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who have the perfection and honour of our jurisprudence at heart. Every day's attendance on our courts furnishes instances of its application, and no farther from us, than the work noticed in our preceding article, is a beautiful citation from Papinian, in defence of a most important maxim of the English law made by Chief Justice Kent, in the case of Dash *vs.* Van Kleek, and quoted from that case by Mr. Webster, in his argument in the Dartmouth College question.* Under these circumstances, it would surely add much to the perfection of our law-studies, did we revert to the practice of our fathers before the Revolution, who, we are well informed, acquainted themselves at least with the contents of Domat.

We have left ourselves but little room to speak of the profession of divinity. No provision is made for instruction in this department, in the university of Virginia. As this is probably the first instance in the world, of a university without any such provision, our readers will perhaps be gratified with seeing the portion of the report, in which this subject is mentioned.

'In conformity with the principles of our constitution, which places all sects of religion on an equal footing; with the jealousies of the different sects, in guarding that equality from encroachment and surprize; and with the sentiments of the legislature, in favour of freedom of religion, manifested on former occasions, we have proposed no professor of divinity: and the rather, as the proofs of the being of a God, the Creator, Preserver, and supreme Ruler of the universe, the Author of all the relations of morality, and of the laws and obligations these infer, will be within the province of the professor of Ethics; to which, adding the developments of those moral obligations, of those in which all sects agree, with a knowledge of the languages of Hebrew, Greek and Latin, a basis will be formed, common to all sects. Proceeding thus far without offence to the constitution, we have thought it proper at this point to leave every sect to provide, as they think fittest, the means of further instruction in their own peculiar tenets.'

The result of this hazardous experiment it is not for us to anticipate. We feel, as sensibly as the framers of the report, the sore evil resulting to our theological schools, from that diversity of sects which is made the ground of striking a

* Some of the parts of the Roman law more directly bearing on this important case may be found in an essay of Heineccius de Collegiis et Corporibus Opificum, Opera ii. 367.

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chair of theology from the list of the Virginian professorships. With us, the evil operates in a different way, not in wholly depriving us of theological instruction, but in splitting up the theological community, small enough at best for the support of an institution competent to supply the wants of our country, into two or three weak factions. It is the smallest evil of these parties that they divide that public patronage, which is all wanted for the common cause. A sectarian spirit, most unfavourable to the improvement of society, and most uncongenial with the temper of christianity, is generated within the various theological camps pitched throughout our country. We are sure this is not a necessary division. The law has its Cassians and its Proculeians, as of old, but this does not throw its members into a bitter hostility with each other; and in our medical lecture-rooms Brunonian sits down with Cullenian, side by side. Why Calvinist and Arminian, Trinitarian and Unitarian should not be equally tolerant, we are at a loss to say. At any rate, we believe there is but one opinion in this part of the country relative to the necessity of pursuing theological studies, under the direction of academical method. If there be therefore any considerable degree of justice in the foregoing remarks, it would seem that something like the continental universities is not a little to be desired among us.

We proposed to say a word on another important question. Considering it granted that we ought to found universities of a higher order than any we now have, or to elevate those now existing, into professional schools, it is a great question, how this shall be brought to pass. Who is to pay the salaries, furnish the libraries, fill the cabinets, and build the edifices? Shall we depend, as hitherto, on private munificence, or shall our state governments do more than many or most of them have done; shall our national government, which has hitherto done nothing, do something? This we fear is a sore point in our history.

Who can cast his eye over the map of Europe, and ask of each country, what the state has done for literatare, and not blush for the Republic of America? Of England, or of her literary patronage, it were superfluous to speak. We know the fruits, for we print her books, and think her thoughts, daily and hourly. We are not yet delivered of our mother country; our literary organization is in embryo, it elaborates little or

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no blood; but our veins are filled, and our system sustained by the stream that flows into it from England. Of France, likewise, not unknown among us, it is also unnecessary to speak; except to say, that the discouragement of all literature, not connected with the military sciences, has been one of the most unpromising points in the sad history of the last thirty years; and that Louis XIV, by the annual expenditure of 100,000 livres, gathered around him a circle of famous men, who will make his age remembered as an epoch, long after the victories he gained are numbered among the sins of mankind, or remembered only in the panegyrics of his pensioners. But let us mention what Holland and Germany and the small states have done. When, after the memorable Spanish war, it was offered by the States General to the city of Leyden to choose a university, or an exemption from taxes as a reward for their brave conduct in the siege, her wise citizens chose the former; and a light went out from Leyden over Europe, which will make Holland memorable, in the history of modern improvement, long after her dikes are washed away and the sea has passed over her. Holland, with a population of much less than two millions, had four universities; universities, not in our sense of the word, but where the maturer mind was guided to the heights of knowledge. Her literary decline has been a precise index of her growing political insignificance. In 1712 Europe sent her delegates to Utrecht, to arrange the balance of power; she had already sent her sons from every quarter, to form their minds at her university. Now the latter would be no more thought of than the former. It is not intended here to be hinted that her literary decline has in any considerable degree produced the political, but that it is a precise index of it; and that at least where there is no literature, there is no national character. The little principality of Hesse Cassel supports a university, and Hesse Darmstadt another. In the insignificant kingdom of Saxony is the noble university of Leipzig. In the little Saxon dukedoms is the venerable university of Jena, shaken indeed by the convulsions of the times, but once famous throughout Europe, and now rising from its ashes. In the kingdom of Wirtemberg is one distinguished university, and in the duchy of Baden another, that of Heidelberg. In Hanover, which has a population of one million, is one of the best universities in Europe, and in Prussia are four or five, and some among the best, such as

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Halle, Berlin, Breslaw, and Kœnigsberg. It is to be remembered, too, that all we nave named are supported immediately by the government of the states, where they exist, and all of them are institutions of which we have positively no example. For there are, together with these, gymnasia and schools, from which the pupil departs, more and better taught in the classics, than from our best universities. Now let us reflect that these establishments are supported, some of them, by little states that would lose themselves in a county of Virginia or Pennsylvania, and whose whole revenues would not pay half the annual imposts of New York. Secondly, that they are established by dukes and princes, and electors and kings, by these natural enemies, as they have been called, of the people. It is these arbitrary lords and petty tyrants, who have done that for their states, which United America will not do for herself. And there is scarce a little princedom, in the Germanic body, which has not contributed more to the amount of human knowledge, and the progress of the human mind, than all that vast empire, which God has given us to administer. Or if we will go back yet three or four centuries, to the foundation of the older universities, we trace them to the bounty of bishops, and cardinals, and popes, and catholic priests; who, if they extorted money from the people by practising on their credulity, knew, at least, how to make some applications of it, which might serve as a lesson to our enlightened land. Finally, throughout these countries the yeoman is almost a slave, and that class of the people which nerves the state is for the most part shut out by the remains of the feudal system from enjoying these literary privileges. With us, by that melancholy perversity which displays itself too often in human affairs, where this fundamental portion of society is free and the spirit of the community not only permits, but invites members of it, to raise themselves to any height within the power of their natural gifts to attain, with us the means are wanting. Our mouths are filled with the praises of our own illumination, we call ourselves happy, and we feel ourselves free, but content with a vulgar happiness, and an inglorious freedom, we leave it to despots, to build universities as the toys and playthings of their slaves. When we look upon these states of Germany, behold them now swept, as with the besom of destruction, by an invading foe; now oppressed with the presence of a cumbrous and hungry ally,

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now occupied and garrisoned by a conqueror, and anon drenched in some great conflict with blood; their population miserably thinned, their finances, for two generations in advance, exhausted, and witness how in despite of this, the march of literature goes on, how universities are upheld, when governments sink, and the professors of learning are supported, when all seems decaying, we cannot but honour this noble constancy to the interests of the mind, and feel a higher respect for that literary profession, which has made itself so precious, and acquired itself such a title to protection.

Nor is it without a blush for our native country, that we ask, what it has done in the morning of a prouder march on the path of political aggrandizement, than the history of the world has ever witnessed. Has she, with her abundance, contributed in proportion to the mites, that these exhausted states have thrown in; or has it been an inglorious, an ungrateful, an uninspired prosperity, which the historian of future days will blush to set down? There is one more example to reproach our country for the neglect of the literary interests, where we should least expect to find it,—in modern Greece. Let us conceive of the real situation of this people, if people it can be called, who have no other national existence, than that of a weary and soul-subduing bondage, to a barbarian master. Let us recollect how totally they are deprived of those common rights, which make the elements of political independence; to say nothing of their wanting that high and romantic freedom which is enjoyed in our country alone. And yet this people, without laws to protect them, without even the common mercy of a civilized lord to depend upon, reduced to purchase domestic, humble privileges, the means of subsisting, and the security of life, by exorbitant and constant bribes; scattered throughout a wide and hostile empire, without the means of concert, or the common encouragements to effort, this people has done much, very much, to encourage learning. Our federal government has founded no institutions; but *they* have founded many. At Scio, at Smyrna, at Yanina, at Mount Pelion, at Cydonies, and at Bucharest; these they not only support, but purchase extravagantly of the Turks the permission to support them. They send out young men to the European universities, to fit themselves for the office of professors at home; and four years since, the single city of Scio sent to Paris $10,000 for the purchase of a library for the

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academy there, and an annual sum of $1000 is added to the fund.

One knows not where to find the cause of the indifference, which the American government has at all periods testified, to national education. One would have thought that as a favourite object with Washington, and one of which he had himself, in some sense laid a foundation, it would have found an early place among the measures adopted by the government. It has perhaps been thought that national education should be left to the states. But why leave one of the most vital interests of the community to the states, where the strength of responsibility is small, the means of patronizing public institutions proportionably hard to command under the unpopularity ever attending increased expenditures, and where a very limited portion of the resources of the country is every way inadequate to the protection of extensive public concerns? But what have the states done? In the first place, have they founded any institutions for the most important and crowning part of education, the professional, from Georgia to Maine, from New York to Indiana? Not one. They have indeed in some cases patronized the existing colleges. Massachusetts a few years since granted 160,000 dollars to her three colleges. New York has liberally endowed Hamilton College; something, we believe, has been done in Pennsylvania, and Virginia is now establishing schools and universities; but are two or three hundred thousand dollars appropriated to colleges scattered over the country at vast distances from each other, and granted by independent bodies without mutual concert or system, all that the people of America think that literature is entitled to?

Finally, has it been thought, that it was well enough to commit this interest to the movings of private generosity? We confess that much private generosity has been displayed; and almost all, that we have to boast of literary establishments among us, have been alms-gifts of public spirited men. Were this the place for such details, we might gratify ourselves with dwelling on more than one instance of private beneficence to our literary institutions, entitled to warmest gratitude and praise, and which in this part of the country have out-numbered, we think, all that has been done in this way in the rest of America. But does it become a mighty nation, rising fast into an importance, destined to throw a shade over

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the decaying greatness of Europe, does it become us to depend on charity, for the education of our sons and the upholding of our national character? There are two reflections which are important in this connexion, and which are not often enough made. This dependence on single and private bequests of rich individuals is a relic of a state of society, which never existed among us, and to which we have nothing else corresponding. In the catholic ages, or in the ages of any superstition, when men thought their peace with heaven could be made at dying, for lives spent in violation of all its laws, by founding or endowing public institutions for religion and literature, there was no need of the interference of the state for the erection of these establishments. In proportion to the strength and blindness of the general faith, and it was not wanting in either respect, were the number and richness of foundations. Most of the munificent establishments at Oxford and Cambridge have no other origin. All this has past away. With us the death-bed of the weak or wicked affluent, is not approached by the dispenser of heaven's forgiveness; nor is any method left by which the public institutions can nourish themselves out of the profligacy of the living or dying rich.

We not only want the means of extorting bequests from departing profligates and heretics, but we have among us none of those overgrown estates which allow of great munificence, and few of those ample fortunes, which make more moderate acts of liberality convenient and practicable. Our rich men have no entails to hold their fortunes together, and enable them to bestow very large donations on public institutions, without affecting the inheritance of the successor. With us there are few men who feel at liberty to act without regard to their children and family, and most men really cannot afford to build colleges among us. Besides this, our rich men generally acquire their fortune themselves. The community has not only no claim upon them to lavish it on the public institutions, but it has no right to accept the charity, at least it has no right to let that be the only resource. This is not the case in other countries, where a privileged order derives an overgrown revenue from an oppressive system of rentage, and a title gives a man a claim to an hereditary estate, which the laws have taken out of that great market of merit, where the race belongs to the swift and the battle to

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the strong. Here there is no charity in the most splendid donation. These are the sources to which to apply for bounties to public objects, and it is by such bounties that a little of the wealth thus unjustly monopolized finds its way back into the channels of public welfare. But who can avoid recurring to the depressing comparison between our free country, and those where freedom is but a name? Who can calmly see us, that of all the world ought to regard every thing as sacred which belongs to the enlightening, instructing, and elevating of the nation, leaving it to emperors and kings, to princes and electors, to landgraves and margraves, to archdukes and dukes, and all the poor pageantry of foolish man, to be the guardians of the highest good, the cultivation of the intellectual man? Who can see, without shame, that the federal government of America is the only government in the civilized world, that has never founded a literary institution of any description or sort?

With this reflection we drop the subject at present, in the intention of presenting it again to the attention of our readers, with the earliest opportunity.

ART. VIII.—1. *Substance of two Speeches, delivered in the Senate of the United States, on the subject of the Missouri Bill. By the Hon. Rufus King of New York.* New York, 1819, pp. 32.

2. *A Charge delivered* [*by Mr. Justice Story*] *to the grand juries of the Circuit Court at October term* 1819, *in Boston, and at November term* 1819, *at Providence, and published at their unanimous request.* Boston, 1819, pp. 8.

SLAVERY, with the various views arising out of it, is a subject deeply interesting, exerting a powerful influence upon the moral and political character, the security, prosperity, and happiness of the United States. A subject so intimately connected with all the great interests of a powerful, prosperous, and rapidly increasing community, demands the earnest attention of its statesmen and legislators, its patriots and philanthropists, of all those who think, as well as those who act for the public. The existence of slavery in this country may be regarded as affecting our character abroad, and our condition at home. Our sensibility is not particularly moved

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by the observations of those travellers and foreign journalists who have taken occasion to speak of this subject, in a manner and temper calculated, and perhaps designed, rather to wound our feelings, than to suggest attainable improvements in our condition. Still we cannot divest ourselves of a secret and distressing consciousness of the glaring inconsistency of our professions with our practice. Whilst our most solemn declarations, those constitutions which form the basis of our civil and social institutions, have set forth in language sufficiently strong, explicit, and comprehensive, the purest principles of natural and civil liberty, and the soundest maxims of universal right and justice, the institutions themselves seem destined, *in practice, by a sort of uncontrollable fatality* to allow a state of slavery, by which a large portion of human beings are utterly deprived of all their rights.

Slavery, though a great and acknowledged evil, must be regarded, to a certain extent, as a necessary one, too deeply interwoven in the texture of society to be wholly or speedily eradicated. It is a subject therefore, whatever careless or superficial persons may imagine, which neither can nor ought to be passed over by contemptuous sneers or bitter reproaches upon those who are possessors of slaves, or by animated appeals to the passions of those who are not. It should be approached with great calmness and good temper, with great firmness of purpose, with pure, enlightened, and benevolent feelings; but at the same time with that sober and discriminating benevolence, which regards not merely absolute right, but attainable good, and which in the eager pursuit of a desirable end, will not blindly overlook the only practicable means of arriving at it.

Although we are constrained to acknowledge that this great evil cannot by wholly removed, we are quite sure, that much, very much may be done to mitigate and restrain it by the persevering exertions of humanity, virtue, and intelligence. If an example were wanting of the entire revolution in the habits of thinking and feeling, of a great and enlightened community, which in a short period may be brought about, the case of England would afford a most striking one. Very few years have elapsed since the most solemn tribunals of justice in that country, were engaged in discussing and settling such questions as these; whether slaves, infected with a contagious and mortal disease, and thrown overboard alive to prevent the

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spreading of the contagion, ought to be considered as the subjects of general average; whether on a policy against loss by mutiny, the death of slaves not joining in the mutiny who jump overboard to avoid being fired on, and are drowned, or those actively engaged, who die of despondency in consequence of the failure of the mutiny, can legally be considered as a loss happening by mutiny; whether if the master of a slave-ship through ignorance mistake his course, whereby a scarcity of water ensues, and a number of slaves are thrown overboard to save the rest, or whether if a large number of slaves are starved to death, in consequence of a voyage unusually protracted by head winds and boisterous weather, the losses thereby occasioned can be considered as losses by perils of the sea; whether the death of a slave driven to commit suicide, by that overwhelming sense of desolation and despair produced equally by bitter recollections of the past, and gloomy apprehensions of the future, technically and contemptuously denominated by slave dealers, *the sulks*, is to be considered a violent death, or one happening in the ordinary course of nature; as an extraordinary loss, or one proceeding from the intrinsic vice of the article. Such discussions at the present time in Westminster Hall, in the midst of a humane and polished people, would be regarded with little less abhorrence, and disgust, than the grave deliberations at the council-fire of a savage tribe, upon the most approved and accustomed methods of torturing their captive prisoners. It is no reproach to the eminent men who sat at those tribunals, that such questions were entertained there; when the trade itself is held lawful, all questions arising out of it must be judicially settled. But it is one among the many evils of legally sanctioning such a trade, that it tends to degrade the ministers and profane the sanctuary of justice.

The change of public sentiment in Great Britain has been entire and complete, as well as rapid. Though so few years have elapsed, since the direct trade in slaves was not only allowed to British subjects, but was carried on to a frightful extent in British ships, by British capital, yet now no individual in that country, having any regard for his own reputation, or respect for public opinion, would venture to utter a word of apology for this detestable traffic. On the contrary, her own abolition laws, and her strenuous and persevering exertions in her diplomatic arrangements with other

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powers, to induce them to relinquish the slave trade, until the abolition shall become entire, are justly regarded by every enlightened Englishman, as the proudest monument of his country's glory. Though we think it will appear to the candid readers of the chapter on slavery in Mr. Walsh's book, that a little too much credit has been claimed by England for her exertions in this cause, yet we are not disposed, on that account, to detract any thing from the just praise which is certainly due to her. Her conduct in respect of the abolition is deserving of all commendation. We rejoice sincerely in the good she has already done, and we earnestly hope, that she will continue to apply all her powerful means to the attainment of this desirable object, until the entire abolition of the direct slave-trade shall be effected. This trade had been sanctioned by long usage, and supported by cherished prejudices; it was connected with the gainful pursuits of wealthy and powerful individuals, and in point of revenue and commercial advantage, was an object of complacent regard, even to the government. Its entire abolition therefore, by the judicious and persevering exertions of a few men thoroughly engaged in the cause, strikingly illustrates the force of enlightened public opinion, and confirms the gratifying truth, that justice and humanity when wisely put in action must ultimately triumph over all the combinations of cupidity, prejudice, and habit.

But the subject of slavery is not new, and is not now for the first time brought before the American public. However men may differ, and very honestly differ with regard to minor views and details, we consider certain great and leading principles to be firmly and definitively settled by the unanimous voice of all men who have taken the trouble to reflect upon the subject. Thus for instance we take it to be universally agreed that the direct trade in slaves, that the act of depriving a man of his liberty, transporting him from his native country, and selling him in perpetual bondage in a foreign country, is an unqualified act of injustice and cruelty; that it is immaterial to this purpose, whether the person thus deprived of his liberty and all his natural rights, is obtained by open force and violence, by bursting on the midnight security of the peaceful dwelling, and overpowering the helpless and unarmed family, or by fraud and cunning, by tampering with the avarice and stimulating the treachery, rapa-

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city, and cruelty of barbarous petty chiefs. It is universally conceded, that so long as white men, members of civilized communities, christians, will purchase slaves on the coast of Africa, so long the people of that unhappy country, without knowledge, or morals, or religion to enlighten and guide them, will make their fellow beings the subject of this nefarious traffic. It follows as a necessary consequence, that so long as such a traffic continues, the whole land whence it draws its supplies must be filled with violence and treachery; so long must simplicity, innocence, and peace, which are among the prominent virtues and highest blessings of uncivilized man be banished; and all hope of making any progress or even taking the first step towards civilization be frustrated. The slave trade therefore is now universally regarded, in its origin, progress, and consequences, as a continued series of crimes; and any attempts to palliate it, on the frivolous pretence of bettering the condition of those who are reduced to slavery, is a solemn trifling with reason and a pitiable abuse of language.

Domestic slavery, however, in communities where it has been long established, and where the number of slaves bears a considerable proportion to the number of free inhabitants, is entitled to a different consideration. Upon this point we mean to state our views explicity, and we wish to be distinctly understood. We would not unnecessarily awaken the jealousies or alarm the fears of the proprietors of slaves, of those of our fellow-citizens, who inhabit states where slavery is still permitted. Exempted as we are from the great moral and political evil entailed on them, we regard their condition, more in sorrow than in anger. The question whether slavery shall continue in those states, or whether it shall in any way be modified or limited, we consider as exclusively a question of local jurisdiction, belonging to those states respectively; and whatever may be our wishes and our hopes upon the subject, we expressly disclaim any legal or constitutional authority on the part of any other state or of the United States, to interfere in any arrangements respecting slavery, which those states respectively may think fit to adopt. We readily and cheerfully admit, and in making this admission we think we may include all those who on general grounds are opposed to slavery, that each state, where slavery is not expressly prohibited, has a perfect right to regulate this subject at its

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pleasure. If this sentiment is universal, as we firmly believe it is, why should a manly and liberal discussion of the various delicate topics connected with the subject of slavery, be viewed with suspicion and jealousy. We feel no hostility, we utter no reproach. But we do feel an intense interest in the rights of humanity, in the secure and permanent establishment of the acknowledged principles of natural, civil, and religious liberty, in the honour and reputation of our common country, and more especially in the happiness of every member of the great federal family. So intimately are all the states of the national union connected, that the peace, strength, and glory of the whole, essentially depend upon the safety and prosperity of each.

Considering as we do, the original act of depriving a free person of his liberty and reducing him to slavery, under whatever pretence, except as a punishment for an offence of which he may have been convicted by a competent tribunal, absolutely and of itself unjustifiable and criminal, so as a general rule, we consider the act of holding such a person in slavery, to be a continuation of such criminality. No lapse of time, no continuance of abuse can convert wrong into right. No less is it unjustifiable in our view, to hold the innocent offspring of such slave in perpetual slavery. What is slavery? Usage and habit throw a sort of illusion about objects, and reconcile us to almost every species of perversion. Let us however make an effort to dispel this enchantment, let us pause and seriously ask ourselves what is necessarily the character and condition of a slave, what are his rights, his hopes, and his prospects. Can he regulate his own actions, can he pursue those occupations for which nature has fitted him, or to which genius or inclination may lead him? Can he enjoy the fruits of his own labour, can he provide for the wants of himself or his offspring? Is he not driven to severe and incessant labour by the terror of the whip? Is not his mind in a state of degradation and bondage, more deplorable even than that of his body? Is he not deprived of the means of cultivating his mental powers, of enlightening his understanding, of improving his affections? Is he not utterly incapable of raising his mind to the source of intelligence, his heart to the fountain of good, of acquiring the principles, learning the promises, practising the duties, and enjoying the consolations of religion? Is he not cut off from the knowl-

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edge and hopes of a future and more blessed state of existence, which crime and misery can never reach? Has he not before him the prospect of his offspring being destined to a condition as wretched and as hopeless as his own?

Without taking into consideration the incalculable evils which slavery inflicts on society, we may venture to pronounce upon this single view of the case, that it is utterly irreconcilable with any notion of natural justice, that one set of men may thus rob another of all the rights and blessings of this life, and even of the knowledge and hopes of another. We think therefore we are justified by reason and conscience, in stating the general rule, that it is wrong for one set of men to hold another in slavery.

This rule however has its exceptions. Self-defence is the first law of nature, as well to communities as to individuals. In states where slavery has long continued and extensively prevailed, a sudden, violent, or general emancipation would be productive of greater evils, than the continuance of slavery. It would shake if not subvert the foundations of society. It would be at once the cause of misery to the slaves, and of ruin to the community. The principles of self-defence therefore, and powerful considerations of national safety, constituting a case of political and moral necessity, require at least the temporary continuance of this great evil. When a choice of evils is the only alternative, it is the part of duty as well as of wisdom to choose the least.

But let it not be forgotten, that a practice wrong in itself, yet justified by necessity, must be limited by that necessity. We hold it therefore to be the duty of those who influence public opinion, and of those who exercise any authority in states where slavery exists, to do all in their power to ameliorate the condition, and limit and diminish the number of slaves, and to provide for their liberation as speedily and as extensively as the safety of their several states will admit.

These considerations rise in their importance when we add that the evils of slavery do not end with the wrongs and wretchedness of the unhappy subject. Society suffers, from slavery, a succession of evils, scarcely less than those it inflicts. And we take it now to be generally agreed by intelligent statesmen, that the honour and the practice of holding slaves, so far from being regarded as a privilege to be valued, is rather to be considered as an evil to be deplored. A state

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whose laws and institutions recognise and habitually cherish a disregard to the fundamental principles of natural right and social duty, cannot be founded upon a safe and stable basis. It possesses within itself sources of corruption, weakness, and degeneracy, which must endanger its safety and finally accelerate its ruin. The employment of slaves has an obvious tendency to banish that steady, cheerful, and active industry, which is among the chief causes of national wealth and strength. It discourages the healthful pursuits of agriculture, the ingenious exercise of the mechanic arts, all those useful and active occupations, which give vigorous exercise to the body, salutary occupation to the mind, and which would ensure comfort, affluence, and independence to freemen.

We forbear to urge the contaminating influence of slavery, upon the mind and passions, both of master and slave. It is sufficient, in considering it with reference to the influence which it exerts upon the strength, glory, and happiness of a political community, to find that it is calculated at once to diminish immeasurably the number of those who have hearts to love, and of those who have arms to defend their country. We think therefore that we do not state the proposition too strongly, when we assert that the wisest statesmen, and the most sagacious politicians, in those of the United States, where slavery is established, are perfectly satisfied that it is a great evil in their institutions, and are sincerely desirous of correcting it. We shall not, of course, be accused of the extreme weakness of including in this description, those persons who derive a direct profit from the toils, and tears, and sufferings of slaves, and who are incapable of extending their minds beyond a mere profit and loss comparison, of so much cost and wear and tear of slave-flesh on the one side, and the value of so much sugar, and rice, and cotton on the other. We speak of men of powerful and commanding minds, of long and comprehensive views. The declarations of many such men, full of experience upon the subject of slavery in all its bearings upon the interests of society, have been frank and explicit. According to them, slavery is an evil of great magnitude to be endured only until it can be safely removed. To the sincerity of these declarations we yield our entire confidence. We should believe such men to be sincere, because we know them to be men of the highest integrity and observa-

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tion of character. But our belief rests upon still stronger grounds. We are satisfied that no able and enlightened statesman, of sound principles and sober views of national interest, can reason upon the subject without coming to the same conclusion, without in fact being thoroughly convinced that sound maxims of political expediency concur with the stronger dictates of reason, humanity, and justice, in condemning, the practice of slavery.

Deeply impressed with the importance of these considerations to the reputation and prosperity of the United States, and gratified with the belief that they are extensively, if not generally felt among leading men in the slave-holding states, we have marked with the liveliest interest the progress of various measures, proposed and adopted, to affect the amelioration, and provide for the safe and gradual abolition of slavery. Many laws have been passed, both by Congress and the several states, tending to the same desirable end. Several states, where slavery partially prevailed, have provided by law for a gradual emancipation. We shall have occasion to consider hereafter the several enactments of Congress on the subject. In addition to these, many voluntary associations have been formed, patronized and supported by individuals of the highest standing and influence, for the same honourable and useful purposes. It would be highly interesting to pursue the consideration of these measures, to discuss their extent, efficacy, and practicability, to consider whether any causes are now in operation, or any means may be devised, within the power of legislative bodies or of individuals, which will justify a reasonable hope that our country may ever be rescued from the dangers, and purified from the contamination of slavery. At present, however, we must waive this discussion, for the purpose of considering more particularly that branch of the general subject, which is brought before the public, in the very important publication of Mr. King, announced at the head of this article.

Of this work and the very momentous questions which it presents to the government and people of the United States, we shall now proceed to give some account. It is scarcely necessary for us to enlarge upon the profound talents, the long experience, and elevated character of Mr. King. Probably no man, still remaining in public life, is more thoroughly acquainted with the history, or has been more intimately

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conversant with the policy of the national government, from its establishment to the present time. Having contributed essentially to the establishment of that government, he has participated largely in its administration. He has filled many of its highest offices, with equal honour to himself, and benefit to the union. It would be foreign from our prescribed course to disturb this inquiry, by stopping to consider the causes which have prevented his elevation to the highest. Upon a great and interesting question of national policy, we naturally and justly repose with confidence upon the judgment and experience of such a man, and we justly feel the conclusions drawn by our minds, from general reasonings, greatly strengthened by the support of so powerful an authority.

This pamphlet contains the substance of Mr. King's speeches in the Senate of the United States, at the last session of Congress, on the bill for erecting the territory of Missouri into a state, and admitting it into the Union. It does not profess to be a report of those speeches, or to pursue the order in which they were delivered; but contains a condensed view of the subject, embracing not merely the observations and remarks then made, but also Mr. King's 'present opinions on this important subject.'

The precise question which excited so warm and animated a debate in both houses of Congress and which has subsequently excited so high an interest in every part of the United States, was, whether the following provision should be embraced in the bill just mentioned;—'provided, that the *further* introduction of slavery or involuntary servitude, be prohibited, except for the punishment of crimes, whereof the party shall have been duly convicted; and that all the children born within the said state, after the admission thereof into the Union, shall be free at the age of twenty five years.'

A slight examination of this qualified restriction of slavery in the proposed new state, will show that it stands entirely free from some plausible objections, which might have been urged against it in other circumstances. The territory of Missouri, of vast extent, being a part of the province of Louisiana, acquired by purchase, composed no part of any one of the United States, at the time of their union, and therefore can in no degree be affected by any of the terms of the express or implied contract formed between them by that Union. It is also obvious to remark, that inasmuch as the clause in question was

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intended to prevent only the *further* introduction of slavery, it could in no degree impair the rights of property in slaves, already vested in the inhabitants of that territory. Judging from the previous views and measures of the general government, in similar and analogous cases, it could hardly have been conjectured, that the result of a proposal of such a limited and qualified restriction would be doubtful. The proceedings of the last Congress upon the subject, however, are well known. The House of Representatives, after a short but animated debate, refused to pass the bill without the restriction; the Senate refused to pass the bill with it, consequently the bill itself was lost, and Missouri still continues under her former territorial government. Such, indeed, was the rapidity with which the several proceedings passed in the two hauses of Congress, that it was scarcely known beyond its walls, that such a question was agitated, before it was decided. When, however, it came to be generally known, what principles had been advanced, what votes had been taken, with what ardor and vehemence the advocates of slavery had urged their demands, not merely upon the justice, the reason, and good sense of Congress, but upon their interests, their prejudices, and their fears, by how slender a majority a measure had been checked, which, in the estimation of many of the best friends of American liberty, would have been productive of incalculable and interminable mischiefs, it excited a feeling of universal surprise and alarm. Those who had hardly believed, that principles were in operation, and measures in contemplation and in progress, which would slowly and silently diminish, restrain, and remove the evils of slavery, suddenly felt as if they had escaped, and barely escaped, some great national calamity, which had threatened to overwhelm them, and that while they were altogether unconscious of its presence or its approach. They felt rejoiced, indeed, that they had for a time escaped it, and, although well aware that it might, and no doubt would again recur, it was some consolation to know that time would be gained, that they would have opportunity to estimate the nature and extent of the evil, and to adopt such means as might be in their power to guard against it.

What reason, it may be asked, had any body to presume, that Congress would interpose its authority to prevent the further introduction of slavery into Missouri, and why should

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any body be surprised, had they thought proper to establish the state of Missouri without any such prohibition? This question we shall endeavour to answer. Without urging the argument from general principles, which we have slightly touched in the former part of this article, we take it to have been the clear and undeviating course of policy of the national government, to prevent the increase of slavery, so far as it possessed the practical means and constitutional powers, that such has been the steady course of measures, from the first formation of the Union to the present time, and that a recurrence to its legislative measures will demonstrate the truth of this proposition.

Congress, indeed, have never attempted to interfere in the local arrangements of the several states upon this subject; they have been too sensible of their duty and the limits of their constitutional powers to make such an attempt. They have never claimed, nor have the strongest opponents of slavery ever claimed for them, any power upon this subject. The absence of all legislative measures of this kind, therefore, whilst it fails to shew that Congress have ever been inclined to encourage or extend slavery, ought, we think, to remove all reasonable ground of apprehension, on the part of the slave-holding states. But it may again be asked, if the exclusion of slavery be so vitally important to the well-being of civil society, why was this Union formed, why did the other states consent to it, without giving Congress powers on this subject? This question is satisfactorily answered by Mr. King.

'The question respecting slavery in the old thirteen states had been decided and settled before the adoption of the constitution, which grants no power to Congress to interfere with, or to change what had been so previously settled: the slave states therefore are free to continue or abolish slavery.' p. 7.

Prior to the revolution, the several provinces had been entirely independent of each other, making their own laws and managing their own concerns, subject only to the sovereignty of the parent country. When this sovereignty was thrown off, it is obvious that the states were powers perfectly sovereign and independent, and as such were free to enter into partial compacts with each other, or with other powers, or to form a general confederacy, and to regulate the terms of such compacts in any way which inclination or interest might dictate. Mutual assistance and common defence had been the great

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objects of solicitude, and to secure them most effectually, a general confederacy, in which all should heartily join, was the obvious dictate of sound policy. *Join or die* was the maxim, of which all felt the force. In this state of things it would have certainly been unfriendly and probably unavailing to have asked of any one state a relinquishment of so essential a portion of sovereignty. The articles of confederation were formed and agreed to, therefore, upon the basis of allowing to each state, exclusive jurisdiction of all its local concerns, and giving to Congress a general superintendence of the common interests. This satisfactorily accounts for the fact, that all the states were willing to enter into the confederation, for general defence and protection, without requiring of each other any relinquishment of local jurisdiction.

So far, however, as Congress have power on this subject, even before the adoption of the present constitution, they manifested an earnest desire, and adopted the most efficient measures to prevent the further spreading of so great an evil as slavery in the United States. Congress could not legislate for the several states, but as soon as the United States acquired exclusive jurisdiction over a portion of country, they seized the earliest opportunity to exclude slavery from their dominions. Having stated that Massachusetts, Connecticut, New York, and Virginia had ceded to the United States their respective claims to the territory lying north-west of the river Ohio, Mr. King proceeds to narrate the measures adopted by Congress for settling and governing it.

'This cession was made on the express condition, that the ceded territory should be sold for the common benefit of the United States; that it should be laid out into states, and that the states so laid out should form distinct republican states, and be admitted as members of the federal union, having the same rights of sovereignty, freedom, and independence as the other states. Of the four states which made this cession, two permitted and the other two prohibited slavery.

'The United States having in this manner become proprietors of the extensive territory north-west of the river Ohio, although the confederation contained no express provision upon the subject, Congress, the only representatives of the United States, assumed, as incident to their office, the power to dispose of this territory; and for this purpose, to divide the same into distinct states, to provide for the temporary government of the inhabitants thereof,

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and for their ultimate admission as new states into the federal Union.

'The ordinance for these purposes, which was passed by Congress in 1787, contains certain articles, which are called "Articles of compact between the original states and the people and states within the said territory, for ever to remain unalterable unless by common consent." The sixth of those unalterable articles provides, "that there shall be neither slavery nor involuntary servitude in the said territory."

'The constitution of the United States supplies the defect that existed in the articles of confederation, and has vested Congress, as has been stated, with ample powers on this important subject. Accordingly the ordinance of 1787, passed by the old Congress, was ratified and confirmed by an act of the new Congress, during their first session under the constitution.

'The state of Virginia, which ceded to the United States her claims to this territory, consented by her delegates in the old Congress to this ordinance. Not only Virginia, but North Carolina, South Carolina, and Georgia, by the unanimous votes of their delegates in the old Congress, approved of the ordinance of 1787, by which slavery is for ever abolished in the territory north-west of the river Ohio. Without the votes of these states, the ordinance could not have passed; and there is no recollection of an opposition from any of these states to the act of confirmation, passed under the actual constitution. Slavery had long been established in these states—the evil was felt in their institutions, laws, and habits, and could not easily or at once be abolished. But these votes, so honourable to these states, satisfactorily demonstrate their unwillingness to permit the extension of slavery into the new states which might be admitted by Congress into the Union.

'The states of Ohio, Indiana, and Illinois, on the north-west of the river Ohio, have been admitted by Congress into the Union, on the condition and conformably to the article of compact, contained in the ordinance of 1787, and by which it is declared that there shall be neither slavery nor involuntary servitude in any of the said states.' p. 8—10.

At the time when this ordinance was formed under the old confederation, and ratified immediately after the adoption of the constitution, the subject was not affected by any idea of compact, but the measure was adopted upon general considerations of fitness and expediency. So when the same territory came to be erected into states, Congress might, with the consent of the new states, respectively, have annulled the

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prohibition. Parties competent to contract engagements may by mutual consent rescind them. The case then is a strong illustration of the views of the general government on the subject of slavery. The cases in which states have been admitted into the Union, without such prohibition, do not impair the authority of the cases of Ohio, Indiana, and Illinois. Vermont had adopted her constitution before being admitted; and that constitution excluded slavery, and the whole tenor of her laws, and character of her institutions formed an ample security against its introduction. All express prohibition therefore would have been nugatory. The case of Louisiana, when erected into a state, stands upon grounds somewhat different. The bounds of that state embrace New Orleans and the territory adjacent thereto, in which slavery had been permitted both by France and Spain from its first settlement, to the time of its cession to the United States, and in which the number of slaves nearly equalled the number of white inhabitants. It was therefore undoubtedly regarded as one of those cases of imperious necessity to which all other considerations must yield.

With regard to the other four states, all of which have been formed out of territory, formerly composing a part of the old thirteen states, the following statement of Mr. King is abundantly satisfactory.

'Kentucky was formed out of, and settled by Virginia, and the inhabitants of Kentucky equally with those of Virginia, by fair interpretation of the constitution, were exempt from all such interference of congress, as might disturb or impair the security of their property in slaves. The western territory of North Carolina and Georgia had been partially granted and settled under the authority of these states before the cession thereof to the United States, and these states being original parties to the constitution which recognises the existence of slavery, no measure restraining slavery could be applied by congress to this territory. But to remove all doubt on this head, it was made a condition of the cession of this territory to the United States, that the ordinance of 1787, except the sixth article thereof, respecting slavery, should be applied to the same; and that the sixth article should not be so applied. Accordingly the states of Tennessee, Mississippi, and Alabama, comprehending the territory ceded to the United States by North Carolina and Georgia, have been admitted as new states into the Union, without a provision, by which slavery shall be excluded from the same.' pp. 10, 11.

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With regard therefore to the cases of Tennessee, Mississippi, and Alabama, the faith of Congress was expressly pledged not to insist on the prohibition of slavery, by the condition of the grants of North Carolina and Georgia. This condition, while it is binding on Congress, and should unquestionably be executed in perfect good faith, shews manifestly the sense which those states entertained of the disposition and views of the general government. One other remark occurs to us upon all these cases, including that of Kentucky, which will entirely justify the proceedings of Congress, without imputing to it any design to encourage or tolerate the extension of slavery. The constitution of the United States having expressly provided that no new state shall be formed out of territory composing part of another state, without the express consent of the latter, it will always be in the power of the old state to annex to its consent, a condition that slavery shall not be prohibited. When such a case presents itself, it is undoubtedly a question of expediency with Congress, whether a new state shall be admitted, on such condition. Should they refuse however, no substantial acquisition is gained to the cause of liberty, humanity, and safety, because the whole territory of such state being already subjected to the evil of slavery, the evil would be the same, whether the whole should continue to compose one state, or be divided into several.

The statement of this course of measures, with regard to the admission of new states into the Union, shews the strong disposition and steady determination of Congress to prevent, by all the means in their power, the further extension of the great evil of slavery.

But the proof of this point does not stop here. The constitution provides, art. 1, § 9, 'the migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress, prior to the year 1808.' The introduction of this prohibitory clause into the constitution, strikingly manifests the views, which the convention entertained with regard to the general dispositions and probable course of measures of the United States. Congress is authorized by that instrument to regulate foreign commerce, and commerce among the several states. It was therefore at once perceived that Congress would have the power to prohibit the importation of slaves

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from abroad, and also the traffic in slaves between the several states. That they would have a disposition to exercise it, at least with regard to the importation, nobody could doubt. The nefarious traffic to the coast of Africa, involving innumerable crimes of murder and kidnapping, the indescribable horrors of the middle passage, the wanton waste of life, and contempt of natural rights, which attended every step of its progress, was universally regarded in the United States with utter detestation. The ordinance of 1787 had already been passed by the old Congress prohibiting slavery within their own domains, all had joined in the declaration of Independence, and most of the states had adopted separate constitutions, by which they had solemnly pledged themselves to the support of the true principles of natural rights and civil liberty. The views of Congress, therefore, under the new constitution could not be doubtful. Hence, those who determined to share a little longer in the profits of this odious traffic, insisted on an indulgence for twenty years; and as the other states had no means of compelling them to assent to the adoption of the constitution upon better terms, they reluctantly yielded their consent to this condition. Congress adhered to this condition with good faith. But they faithfully executed all the powers placed in their hands by the constitution. They early passed laws to prohibit the citizens of the United States from engaging or sharing in the slave-trade from one foreign place to another, and seized the first opportunity allowed them by the constitution to prohibit the importation of slaves into the United States, by enacting laws for that purpose to take effect on the 1st of January 1808. Various regulations have been made to meet and prevent all the subsidiary arts, which might promote or further the slave-trade, and the whole have been enforced by severe, we wish we could add, effectual penalties.

The United States therefore have not, as yet, been chargeable with the crime and disgrace of having willingly encouraged or countenanced the extension of slavery. On the contrary, this review of their measures will justify us in the assertion that hitherto the United States have maintained a steady and uniform course of policy adverse to the extension of slavery. And it was as little to be expected on the occasion of passing the Missouri Bill, that Congress would forego so favourable an opportunity to prevent the further introduction of slavery,

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as it would have been, that they should have suddenly passed a bill at the close of the session, to repeal the prohibition of the slave-trade.

Can any reasons, we will not say solid or satisfactory reasons, but can any plausible reasons be assigned, why Congress should now depart from a settled course of measures, which they have hitherto thought wise and expedient, founded in the principles of justice, supported by considerations of political expediency, and best adapted to secure the safety and promote the happiness of their constituents, and of the unborn millions for whom they are legislating? We confess we can discover none. On the contrary, it appears manifest to us, that all the conclusions drawn from general reasonings, apply with increased force to the case of Missouri. It is immaterial for the purposes of this inquiry, what are the precise limits assigned to the proposed state. It is perfectly certain that the decision of this question in the case of Missouri, is a decision of the question with regard to all the states which may be erected in the vast regions west of the Mississippi. No possible reason can be imagined applicable to this case, which would not equally apply to them. It tasks the imagination to conceive of the numbers which this extensive territory, equal to the whole of the United States, is capable of supporting, when fully peopled and cultivated. That it will be fully peopled, at no very distant period of time is certain. The laws of population and the progress of settlement are as operative and immutable, as the laws of nature and the progress of the heavenly bodies. It is an appalling consideration therefore, to those who are called on to decide this question, that upon their decision will be fixed, immutably fixed, the destinies of innumerable millions of human beings, in all coming time. We do not say that considerations of this nature should alter and change the judgments of men; but we think that they should lead them to pause upon their decisions, to retrace and re-examine the grounds of their conclusions, to be well assured of the soundness and justice of their views, to take counsel of their hearts, to be quite certain that they are not swayed by passion, influenced by interest, or blinded by prejudice, and then to give such a decision as they can justify to themselves at the hour, when conscience shall sit in judgment on their lives. Seldom indeed was a legislative body ever called on to act upon so impor-

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tant a question. Laws ordinarily affect only small numbers of persons, and interests of minor importance, and operate within comparatively narrow limits. This is to operate on a vast extent of country, to affect the condition of millions, and to determine whether they shall enjoy the most essential rights, which their Creator has bestowed on them, or be doomed to perpetual slavery. Ordinarily, if laws are found to be useless or pernicious, they may be amended or repealed; this will be a fundamental law, which when once made cannot be altered. On a question of such magnitude, we should think all men would act correctly, who act understandingly; and when so great an amount of happiness or misery is depending, we must believe that reason and conscience will triumph over all the pleadings of self-interest.

Let us then take a short comparative view of the future situation of these new states, with and without slavery. In the one case, we behold a large, industrious, and happy people, cultivating their own soil, with their own hands, gathering the fruits of their industry, secure in the possession of their property and liberty, enjoying the means and institutions of education, blessed with all the useful and liberal arts, exercising their political rights with freedom and intelligence, cultivating sound learning, good morals and pure religion, devotedly attached to the government from which they derive their protection, and ready to shed their best blood for the defence of their country, whenever it may need their aid. In the other we see the same country cultivated and peopled indeed, but by two distinct races of men, differing as widely in character and condition as in colour. None of the useful labours of society are performed with skill, despatch, or cheerfulness, because freemen regard labour as disgraceful, and slaves shrink from it as an intolerable burthen. Slaves, from the very necessity of their condition, from the natural operation of the laws of the human mind, of which physical force may control the condition, but cannot change the nature, can feel no sympathy with the society, in the prosperity of which they are forbidden to participate, and no attachment to a government, at whose hands they receive nothing but injustice.

There must necessarily be a perpetual struggle for deliverance on the one side, and constant apprehensions of violence on the other. What renders this state of things the more

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wretched and deplorable is, that the great body of labourers of all descriptions being of the class of slaves, the real and actual physical force of the community is in the hands of those who are ever seeking occasions to use it for the purpose of insurrection. It is easy to perceive that in such a state of society, there must be a great amount of misery and discontent, in the class of slaves, and little of security, contentment, and peace in the more favoured ranks of freemen.

What is the object of admitting new states into the Union? Not surely the mere increase of numbers, without regard to character and quality. Is it not to extend the principles of free government, to multiply the number of free, contented, and happy citizens, ardently and justly attached to their country, and able and willing to defend it? Is it not in short to extend and increase that national strength, on which we all depend for the security and protection of our rights?

The question then recurs, are these objects promoted by admitting these states into the Union, with the permission to people their territories with slaves? To the question with regard to the relative prospect of happiness we shall not recur. But the question, so far as it respects the moral, political, and military strength and security of these remote and numerous states, is one of great interest and magnitude, not only to the states themselves, but to the Union, into which they claim to be admitted with equal rights and privileges. When admitted, it is manifest that they will have a just right to claim of the national government, protection, not only from insurrection, but from the invasion of all foreign powers. These states must always be far removed from the centre and source of national power, surrounded by Indian nations, and tribes, of which we hardly know the names, the numbers, or the character, and contiguous to the only great foreign powers, with whom we can come into territorial contact, or with whom we may justly fear hostilities; we mean Great Britain, Spain, perhaps Russia. If these states are covered with a hardy, bold and enlightened race of men, having an interest in the soil, capable of bearing arms, and with whom arms may be safely entrusted, a very little aid from the national government will enable them successfully to defend themselves. If on the contrary, they are filled with discontented slaves, always thirsting for liberation, and eager for revenge, always ready to join the standard of a hostile invader, or to

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follow the fortunes of a desperate leader on the first signal of danger from within or without, the whole force of the country, which may be depended on, is not only paralized, but overwhelmed. Much time must elapse before sufficient aid can be afforded, and the country, if defended at all, must be defended at an enormous and ruinous expense of lives and of treasure. Is it then proper, is it reasonable or just, that the people inhabiting these territories, should now clamorously demand an admission into the Union, a participation in all the rights and privileges of the Union, a share even in the national treasury, without placing themselves in a condition, in which alone they will be safe and useful members of that Union, in which alone they can add strength and security to an exposed and remote frontier? Can it be equitable, is it consistent with the plain rules of fair dealing, to require the United States to enter into a perpetual compact in which all the benefit is on one side, and all the burthens upon the other.

We have no occasion to resort to distant times or remote countries, to learn the weakness and misery, the distracted and hopeless condition of a society composed of separate casts and mixed colours, among the members of which there is no feeling of sympathy, no bond of union, no community of interest and affection. We need only allude to the present state of the Spanish provinces, to place the subject in the strongest point of view. More sanguinary acts than those which have desolated many of those fine countries, for the last ten years, never disgraced humanity. And yet probably more blood has been shed and more devastation been caused by the mutual and bitter contests of rival parties, than by direct hostilities between them and the parent country. Sanguine persons among us likening their contest to our own, have been hoping and expecting year after year, that stable and efficient governments would soon be established to support their independence, ensure freedom, and maintain order and tranquillity. These hopes have been as constantly disappointed. Faction has succeeded to faction, each as boisterous, as sanguinary, and as transient, as the one which preceded it. The principal cause, it appears to us, may be clearly traced to the marked distinction of ranks and colours. Europeans, Creoles, Indians, and Negroes, have been led by the policy of governments and the circumstances of their condition to regard each other with jealousy and aversion.

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Among the individuals of a society thus composed, no feeling of respect, no permanent union of strength for common defence and support can exist. Though necessarily brought continually into contact, they cannot coalesce. They are separated by impassable barriers, by mutual and long cherished feelings of contempt, detestation, and revenge. If harmony and strength are desirable objects in the formation of new and extensive states, reason and example concur in believing, that they must be formed by a free and unmingled race of men.

If Missouri, and other states beyond the Mississippi are admitted into the Union, without the proposed restriction, a new and extensive market will be opened, affording an encouragement to the foreign slave-trade, with all its train of abuses, which no laws, however severe, no administration however vigilant, can counteract. The clandestine trade is well known to be infinitely more cruel and barbarous, than that allowed by law. The latter may be in some measure softened and qualified. But the unprincipled and desperate smuggler, violating at the same time the laws of his country and of his conscience, is governed by no consideration but that of gain. The most obvious and effectual mode of breaking up the trade, is to cut off the demand for slaves. If this vast and remote country is once opened for their admission, it requires no extraordinary foresight to perceive, that the numberless ports, inlets, and *bayous* of Louisiana and the gulf of Mexico, unsettled and unfrequented, will afford admission and shelter to the smugglers of slaves; and which may thence be transported to the promised land, without danger or interruption.

Respecting the duty, the importance, and the difficulty of breaking up the present clandestine trade, we regret that our limits will permit us to cite but a single passage from the eloquent and impressive charge of Mr. Justice Story. We earnestly recommend the whole of this able and well timed production to the attention of our readers, as a faithful delineation of the horrors of the slave-trade, and a clear exposition of our duty as men, as citizens, and as christians, to oppose and destroy it.

Having given an abstract of the numerous laws of the United States intended to punish and prevent the slave-trade and every branch and portion of it, the Hon. Judge proceeds thus,

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'Under such circumstances it might well be supposed that the slave-trade would in practice be extinguished;—that virtuous men would by their abhorrence stay its polluted march, and wicked men would be overawed by its potent punishment But unfortunately the case is far otherwise. We have but too many melancholy proofs from unquestionable sources, that it is still carried on with all the implacable ferocity and insatiable rapacity of former times. Avarice has grown more subtle in its evasions; and watches and seizes its prey with an appetite quickened rather than suppressed by its guilty vigils. American citizens are steeped up to their very mouths (I scarcely use too bold a figure) in this stream of iniquity. They throng to the coast of Africa under the stained flags of Spain and Portugal, sometimes selling abroad "their cargoes of despair," and sometimes bringing them into some of our southern ports, and there, under the forms of the law, defeating the purposes of the law itself, and legalizing their inhuman, but profitable adventures.' p. 5.

There is another series of considerations of momentous weight in this question. The constitution permits three-fifths of the slaves to be counted in ascertaining the numbers by which representatives are to be apportioned and taxes assessed. The argument against the admission of slavery in the new states, arising from this rule, is fully displayed by Mr. King; and the historical details connected with it, shewing the probable grounds upon which the rule itself was founded, are among the most valuable portions of Mr. King's pamphlet. By this rule, a disproportionate power is granted to the states possessing slaves. Although, if the state of our internal taxation for the time to come is to resemble its state for the time past, the history of contracts could probably furnish no example of a privilege so weighty ceded for a consideration so nugatory, still this power is secured by the constitution, and the other states have no disposition to abridge it. 'But,' says Mr. King, 'the extension of this disproportionate power to the new states would be unjust and odious.' Upon this point, and indeed upon every essential point, all the old states, it appears to us, have a common interest. If the increase of power to Virginia, for instance, arising from the partial enumeration of slaves, is to be regarded as a privilege, is not that privilege proportionably diminished by extending it to new states? If Missouri is to become a burthen upon the Union, must not Virginia bear her proportion of it? We cannot sufficiently

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lament that in the proceedings in Congress, this point was so hastily overlooked. We lament it, because we think this omission gave the subject an aspect which it ought not to wear, and seemed to make it a question between states, allowing and prohibiting slavery respectively. We fear that gentlemen coming from states where slavery is allowed, permitted their jealousies to get the start of their judgment; and that they concluded, without sufficient ground, that an attempt to prohibit the introduction of slavery, into the new states, was an encroachment on *their* rights. We are firmly persuaded, however, that a free and impartial view of the subject will show that such apprehensions were unfounded, that the question is not one of local interest, and therefore ought not to awaken local jealousies.

It was our intention, if our limits would permit, to have examined at some length a few of the objections, urged against the proposed restriction. One is, that the evils of slavery will be diminished by enlarging the sphere of its operation. This suggestion, we think, must have occurred in the heat of debate, and been thrown out with little examination. It reminds us of the original justification of the slave-trade, on the ground that the condition of the negro is *bettered* by being transferred from a heathen land of liberty to a christian land of slavery. Another is, that though slaves may be dispersed, their numbers will not thereby be increased.—The adaptation of the supply to the demand; the necessary increase of population, black or white, it matters not, in proportion to the increase of the means of subsistence, though axioms in political economy as unquestionable as those of the mathematics, appear to have been wholly overlooked by some of the advocates of the unlimited extension of slavery.

A more serious objection is supposed to arise from the terms of the treaty between France and the United States, by which the province of Louisiana was ceded. If the United States have bound themselves by any stipulutions upon this subject, however unwise, let them perform their engagements with good faith. But we are quite certain that the stipulation in question will bear no such construction. This article provides,

"'" That the inhabitants of the territory shall be incorporated into the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the en-

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joyment of all rights, advantages, and immunities of citizens of the United States; and in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."' p. 14.

All contracts should be construed according to the meaning and intent of the parties; and this rule is peculiarly applicable to treaties which embrace great interests, and which are not usually drawn with literal and technical precision. In ascertaining the intent and meaning, and consequently the true construction of a compact, it is of importance to consider who are the parties, and what are the objects of such contract. The parties were France and the United States, and the article is an engagement of the latter to the former, in favour of the 'inhabitants' of the ceded territory. By necessary construction if not literal interpretation, this comprehends those persons only, who were inhabitants at the time of the cession. It is idle to suppose that France would make stipulations in favour of the soil, the naked and unsettled territory; and equally so, that she would have any interest, or feel any solicitude respecting the future inhabitants, who should be placed there at the will, and under the authority of the United States. But the existing inhabitants were her subjects. To them she owed the duty of protection in the enjoyment of their liberty, property, and religion; a duty, from the discharge of which she was about to withdraw herself. It was therefore just and proper to require the United States, who were about to succeed her in the rights of sovereignty, to discharge the same duty. Supposing slaves to be intended under the general term, property, and supposing any of those inhabitants still to remain, and to hold slaves, the proposed restriction will not affect them, and therefore will not be repugnant to the treaty. But it may be said that the right to acquire slaves is intended by the treaty, either as a right of property, or as one of the rights of citizens of the United States. We utterly deny that a right to acquire slaves, as distinguished from a right of property in slaves already vested, is embraced under any general notion of rights of property or civil rights. Still less can a right to acquire slaves be recognized as a right of citizens of the United States. It is a privilege created or power allowed by local laws in particular states, and cannot extend beyond them. It is manifest that the constitution and laws

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of the United States grant no such right. This is proved beyond doubt by the acts establishing the states north-west of the Ohio. It was stipulated by the express condition of the grant of that territory, 'that it should be formed into states, and be admitted into the Union, with the same rights of freedom, sovereignty, and independence, as the other states.' They were so admitted conformably to this stipulation, yet on the express condition that slavery should be excluded. Nobody suggested that the stipulation had not been complied with, on the part of the United States, in good faith. It is clear, therefore, that in the estimation of Congress, the prohibition of slavery in a state, or a provision, by which the power of acquiring slaves is annulled, is no breach of a compact stipulating that such state shall be maintained in the full enjoyment of its civil and political rights, and consequently, that the power of acquiring slaves is not recognized as a civil or political right. Shall a compact with France, afterwards made by the same government, have a different construction?

All compacts and treaties are to be carried into effect, agreeably to the meaning and intent of both parties. Let it be remembered that the executive, who negotiated, and the senate, who ratified the treaty of Louisiana, had already concurred in an act, by which a construction had been put upon an engagement somewhat similar, in case of their own citizens. It is quite certain that neither the executive nor senate could have supposed that by the treaty in question, any such obligation could have been intended on their part as that now contended for. It would have manifested a disposition on the part of a foreign power, and perhaps have given them a right, to interfere in the internal concerns and arrangements of the United States in regard to their own territory and their own citizens, which would have been repelled with indignation. But the article in question, whether we consider the particular terms or the obvious design of it, will admit no such construction; and any attempt to force the proposed construction upon it is an attempt to pervert it to a purpose, which was never in the contemplation of the parties.

Still, however, if Congress has no constitutional power to restrain the further introduction of slavery into the new states, in the mode proposed, much and deeply as we deplore the evils of slavery, and earnestly as we have hoped that the present occasion might be taken to stop the further extension

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of it, and confidently as we believe that the prohibition of slavery would contribute to the stability and prosperity of the states themselves, and to the lasting strength and happiness of the Union, we are free to acknowledge that it ought not be done. We acknowledge, and we rejoice that the government of the United States is a government of limited and enumerated powers, and that any attempt to exceed those powers would be a dangerous encroachment on the rights of the states and the liberties of the people. We have no disposition, therefore, to urge Congress to take a single step beyond the clear and well defined limits of constitutional authority. But we think that they would depart as widely from the direct path of their duty, by relinquishing or failing to execute the great powers entrusted to them, for the benefit of the whole people, for the common defence and general welfare, as they would by exceeding those powers. It is therefore quite as essential to ascertain the full extent, as it is to prescribe the exact limits of those powers.

We are satisfied that an examination of the constitution will lead to a firm conviction that the power in question is clearly within the limits of constitutional authority.

Without relying upon the provision, authorizing Congress 'to make all needful rules and regulations respecting the territory or other property of the United States;' without laying great stress upon the authority given Congress to prevent the 'migration' as well as the importation of slaves, after the year 1808; the following clauses in the constitution contain a plain, express, and unqualified grant of power for this purpose:—'New states may be admitted by Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states or parts of states, without the consent of the legislatures of the states concerned, as well as of Congress.'—'The Congress shall have power to make all laws which shall be necessary and proper, for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.'

The only limitation of the power of Congress, in the admission of new states, is that intended to prevent the existing jurisdiction of states from being impaired, without their consent. In all other respects the power is large and unqualified,

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made so no doubt with design, and with great fitness and propriety, because it was impossible for the constitution to foresee and provide for all the peculiar circumstances of each case which would require consideration; these therefore have been very properly entrusted to Congress.

The admission of a new state into the Union is, in effect, the formation of a new union, of a new political relation, of great importance, interest, and delicacy to both parties. The new state is admitted to a full participation in all the immunities and privileges of the Union, a voice in its legislation and government, an equal share in the lands, revenues, treasury, and public property of every description. The United States take upon themselves the duty of supporting and maintaining them in the enjoyment of these privileges, of affording them protection against insurrection and invasion, of establishing military defences and post-offices, of extending to them the administration of the federal judiciary, of performing to them all the duties, for which the general government was established over the old states. It never could be imagined that a new political relation would be created, out of which so many essential rights, duties, and obligations would arise, without some terms, conditions, and limitations, which would render such relation safe and beneficial for both parties.

What then must be understood by the power of Congress to admit new states into the Union? Not surely the mere ministerial act of receiving and registering the constitution of any collection of people, of whatever character, colour, or condition, who may happen to border on the United States, or be embraced within its territorial limits by conquest or purchase. Should any collection of persons, amounting to thirty-five or forty thousand, happen to take a fancy to establish themselves at the Falls of the Missouri, the foot of the Rocky mountains, or the banks of the Columbia river, or the shores of the Pacific ocean, nobody, we imagine, would contend that such persons would have a right to demand admission into the Union as a state, without terms, or on their own terms. Congress must exercise its discretion, and pass its judgment on all circumstances relative to the fitness and expediency of admitting a new state, and determine on the whole, whether such proposed state is likely to be a useful member of the Union. The extent of its boundaries, its local position, its language, institutions, political character and condition, are

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all to be weighed and considered. The increase of national strength and harmony are the great objects in admitting new states, and Congress would ill discharge the duties and execute the powers entrusted to them by the constitution, if they did not effectually provide for the security of these objects. Congress *may* admit new states; they may and must deliberate and decide the general question, whether such state shall be admitted; and the power of deliberating and deciding on this question necessarily embraces the power of deciding it either way, and of course they may refuse as well as agree to admit.

The admission of a new state may be regarded either as a compact or as a grant. It is strictly and properly a compact, an agreement between parties capable of contracting, who know their respective rights, and who are free to enter into such compact or not, as their respective inclinations or interests may dictate. Either party may propose any reasonable stipulation, which it may think necessary to its interest and security, to which the other may, or may not assent; but if the other party chooses to assent, such provision becomes binding and obligatory, deriving its force, like all contracts, from the mutual consent and agreement of the parties. It is urged that a stipulation like that in question, will diminish and impair the sovereign powers of the new state. But we cannot perceive the force of this reasoning. May not any power, capable of contracting, enter into contracts which are binding and obligatory, and which, to the extent of such obligation, restrain and control them? If such contracting party happens to be a sovereign and independent power, do such obligation and restraint destroy or impair its sovereignty and independence? Does any body imagine that France and Spain are less sovereign and independent, because they have entered into compacts and treaties by which they and their subjects are restrained from carrying on the slave-trade within certain limits?

Besides, the introduction of the term *sovereignty* is altogether gratuitous and unauthorized, and serves only to embarrass instead of throwing light on the question. It is not intended that a new state is to be sovereign and independent, in any other sense, than that in which the other states are so. To a certain extent, and with regard to certain objects they are sovereign, and in others they are controlled by the

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powers of the general government. The constitution merely authorizes Congress to admit new *states* without qualification. Those therefore who deny the constitutional power of Congress in the case in question, are driven to the necessity of maintaining that the word *state*, by force of the term, embraces the power of introducing and continuing slavery, and that if Missouri when admitted into the Union is prohibited from the exercise of this power, even by her own act, and with her own consent she may be a government, a dependency, a political community, but cannot be a *state*. Those who argue so strongly against the danger of implied powers, are compelled to maintain, that the word state implies sovereignty, that sovereignty implies the power of permitting slavery without limit of time or place, and that those states, who are restrained from the exercise of this power by their respective acts of admission on their own constitutions, *are not states* within the meaning of the constitution. Against such absurdities it is hardly possible seriously to contend.

We will add but a single remark, upon this point of sovereignty. If there is any one power more peculiarly than any other an incident of sovereignty, it is that of imposing taxes upon the persons and property within its jurisdiction. Yet Congress have in many if not all instances, inserted in the acts admitting new states, prohibitions against taxing the lands of non-residents at higher rates than those of their own citizens. Similar provisions were certainly introduced in the act of Massachusetts, assenting to the separation of Maine, and must be adopted by Congress if that state is established. Yet in former instances, when such power of taxing has been restrained, no person ever questioned the power of Congress; and we hope no one will question the sovereignty of the state of Maine upon similar grounds. It may perhaps place the subject in a little stronger light to consider it as a grant. The act of admitting a new state into the Union is a grant on the part of the United States, to the people of such new state, of very important powers and privileges, and even of valuable rights of property. The United States, having a perfect right to make or withhold such grant, may make it upon any reasonable condition not inconsistent with the grant itself. The grant is that of the power and privilege of forming and becoming a state; and a prohibition of the further introduction of slavery is not

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inconsistent with such grant, unless it can be shewn that under such prohibition it is impossible for the people of Missouri to form and become a state. When made, it will be optional with the people of Missouri to accept or refuse. If they refuse it, the grant is of no effect, and the people still remain under their territorial government; in which case, the power of Congress is unquestionable. If they accept it, they take it subject to the condition and must be bound by it.

In every point of view in which we have been able to survey the subject, we think the constitutional authority of Congress placed beyond all doubt. The power of assenting absolutely, necessarily implies that of assenting conditionally. The power to enter into a compact, embraces the power of making any terms, stipulations, and conditions, consistent with the general object of such compact. The power of granting without restraint or limitation, necessarily comprehends the lesser power of granting the same thing with limitations. We think therefore, that we are completely justified in the position we have taken, that these two clauses in the constitution providing that Congress *may* admit new states into the Union, and authorizing them to make all laws necessary and proper for carrying into effect the powers vested in the general government, contain a plain, adequate, and direct investment of Congress with the powers proposed to be exercised in the case of Missouri.

We cannot take our leave of the pamphlet of Mr. King, especially at a time when the important question considered in it is again before Congress, without expressing our profound and sincere regret that the seat in the Senate, which he has so long and so honourably filled, is now vacant. We can hardly think that the people of the powerful and enlightened state of New York will feel insensible to the honour of being represented by so accomplished a statesman. We have no disposition to interfere improperly in the concerns of any other state; but we hope the people of New York will pardon us when they consider, that every state in the Union has an interest in the talents and services of an eminent and experienced senator. The senate of the United States is a body of great power, dignity, and importance, in which great talents are proportionably useful and conspicuous. We therefore earnestly hope that the legislature of New York, when the subject again comes before them, will magnanimously

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relinquish all local attachments and resentments, connected with state politics, and with a single view to the general good, again place Mr. King in a situation where he is so eminently fitted to do honour to his own state, and promote the best interest of the Union. Meantime it is perhaps necessary to correct ourselves, while we say, that the important question which we have been treating is again before Congress. Before the pages shall appear in public in which we have taken the liberty to enter our humble and, as we trust, dispassionate protest against the extension of slavery over the continent of America, the sentence will perhaps have been passed, and the fate of millions of fellow men, it may be the future fortunes of this great republic, will have been decided. When we think of these momentous consequences, we feel a solemnity of mind, before which all party questions, all the sophistry which lively talents can enlist in any cause, sink into the dust: and if it be not too late we would even now most earnestly implore heaven to send that same solemnity into the minds of all, whose voices are to settle this mighty question. It is with the most unaffected earnestness that we declare our opinion, that the day on which the Missouri question is decided in Congress, will be the most eventful day in our history.

ART IX.—*A memoir on the Commerce aad Navigation of the Black Sea, and the trade and maritime geography of Turkey and Egypt, in two volumes illustrated with charts. By Henry A. S. Dearborn.* Boston, Wells & Lilly, 1819.

IT is not easy to present in a few pages, any satisfactory view of the numerous and diverse subjects comprehended in Mr. Dearborn's work. To attempt a formal analysis of the whole, would be little more than making out a catalogue of names. We shall not, therefore, follow him through his wide range of geographical and historical inquiries, to ascertain whether he has correctly stated the dimensions of islands, size of towns, names of ancient monuments, and records of celebrated events, or given true descriptions of national manners and character. All these topics are introduced as auxiliary to the main subject, viz. the trade of the Levant and the Euxine, and to this we shall mostly direct our attention.

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Mr. Dearborn informs us in the preface, that his curiosity in regard to this commerce, was awakened by a conversation some ten years ago, with Commodore Bainbridge, who, having been sent by our government in 1800, as commander of the frigate George Washington, with the annual tribute we then paid the Dey of Algiers, was required by the Dey to carry his ambassador, and the tribute which he in his turn paid, to Constantinople. To this the commodore consented, as his refusal would have been followed by the capture of the George Washington, then lying under the batteries of Algiers, the consequent slavery of his officers and crew, and the loss of a great part of our merchant vessels, that were then securely navigating the Mediterranean. In submitting to this order, the officers of the ship could not but feel their national pride offended, and for once experienced the resentment and sense of indignity, to which a subject of the Turkish government must often be provoked. But in respect to our government and nation, it was a matter of no great importance, for all the governments of the civilized world, at that time, permitted the states of Barbary to insult them more or less, justly judging that in dealing with a nation, toward whom no point of honour was felt, the only questions to be asked were, what policy is cheapest and safest, and will not the cause of humanity suffer more in the course of a contest, with a barbarous and merciless foe, than it can possibly gain by the successful event of such a war. It is true the great maritime powers have for some time past pursued with perfect success a very different policy; but the falling in with the old policy while it prevailed, certainly reflected nothing but credit on Commodore Bainbridge's prudence. As we, among many, paid tribute to the Dey of Algiers, the conveying of his ambassador to Constantinople was, at the worst, but an additional act of submission, or rather it was a compliance on our part with the policy or negligent magnanimity, which then and long before governed the conduct of the powerful kingdoms of Europe towards the African pirates.

On the arrival of our frigate at Constantinople, it excited great curiosity in the officers of the Porte, who inquired to what nation the vessel belonged. On being told that it was a vessel belonging to the United States, they professed never to have heard of any such country, and asked if it was not the same they had heard of under the name of the *New World*,

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and being informed that it was, they appeared to be very much gratified with the visit. The Capudan Pacha, whose barbarous title, half Italian and half Turkish, is synonymous with chief admiral, took the George Washington under his special protection, treated Capt. Bainbridge with much civility, and expressed to him the desire of the Grand Seignor, that we should send an ambassador to Constantinople, and open a commercial intercourse with Turkey. It was the intention of our government to send Mr. William Smith, then our minister in Portugal, as ambassador to the Porte. But the convulsed state of Europe, Mr. Dearborn says, prevented the execution of this design.

In 1810 two vessels from Salem, one from Boston, and another from Baltimore, entered the port of Constantinople. Two of them were destined for Odessa, the principal Russian port on the Black Sea, but were compelled to unlade at Constantinople and pay double duties on their cargoes, and through the influence of Mr. Adair, the British ambassador, were refused permission to proceed on their voyage. An order of the Turkish government was immediately issued, that no more American vessels should pass the Dardanelles. Mr. Charles W. Greene, supercargo of one of these vessels, the Calumet of Boston, had the address to obtain permission to proceed on his voyage. Mr. Adair again interposing, the order was countermanded, with a capriciousness characteristic of the Turkish, as of all barbarous despotisms; the Calumet, however, had already departed, and she finally arrived at Odessa. The result of these experiments was such as to prevent their repetition. Such is the history of our trade to the Black Sea.

In regard to an embassy, Mr. Dearborn remarks, that 'a diplomatic mission to the Ottoman Porte would not now be regarded with jealousy or excite animosity' on the part of European sovereigns. We think he gives those sovereigns too much credit for a liberal disposition. We have it from the highest authority, that a proposal was not long since made to the Turkish government, by the Russian minister at Constantinople, that an ambassador from the United States to the Sublime Porte should be received, and that the navigation of the Black Sea should be granted to the Americans. This proposal, though made under the mediation of that power which the Turks perhaps most fear, was rejected. Now

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when we consider that the Turkish government has always expressed a strong desire for commercial and diplomatic relations with the United States; when we call to mind that it is a notorious trait in the character of the Turkish government to encourage missions to its residence, considering them as so many testimonies from foreign nations, to the supremacy of the Sublime Porte; when we add that there is no possible interest opposed to a commercial and friendly connexion between Turkey and America, on the side of either party, and when we finally recal the unfriendly interference of Mr. Adair in the affairs of the American vessels mentioned above, we feel not the least doubt that the proposal of the Russian minister was rejected under the influence of the British embassy. We do not mention these facts as particularly creditable to Russia, or unbecoming in England. It is the interest of Russia to bring customers to Odessa; it is the interest of England to engross that market of produce, and to supply that market of demand herself. There is no friendship in trade, and no magnanimity between nations. We have been informed also, that there has lately been at Constantinople, a gentleman, professing to have some commission from our government, but of the character of this commission, or the fact whether there were any, we are not well assured. This is all we have been able to learn of our present political relations with Turkey, and the prospects of our trade within the Dardanelles.

The principal ports beyond the Dardanelles are Constantinople, at the entrance of the Black Sea, Odessa, on the western shore, and Taganrog, at the north-eastern extremity, in the sea of Azof. The situation of Sinope, about midway on the southern coast, with a fertile territory in the interiour, and an easy communication with Persia, seems to point it out as a place of extensive business; but its trade is, in fact, small, consisting mostly of supplies for the market of Constantinople and an exchange of fruits, wines, and raw silk, for Russian goods from the opposite coast. It is more remarkable for its decaying fort, and towers, and walls, and as having been the birth-place of Diogenes, and the capital of Pontus under Mithridates, than as being, at present, a place for much profitable buying and selling. Constantinople, too, is a city more interesting to the historian and traveller, than to the navigator and merchant. It is more distinguished for its

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market of Circassian slaves, and of all the offices of the Turkish empire, which the Grand Seignor sells to the highest bidder, than for any other commerce; as it supplies no exports of any importance, and its imports are mostly of articles for the consumption of its own inhabitants. There is no port of the Turkish empire beyond the Dardanelles, from a trade of which we could form any great expectations, and we now enjoy almost all the advantages of the trade of Turkey, by the admission of our vessels at Smyrna, which is at present the great mart of that trade, and is likely so to continue. The Levant, where commerce began, seems to be still its favourite resort, and the revolutions of many centuries have only, at different periods, augmented or depressed it, and turned it from one to another of the neighbouring channels, without ever having wholly diverted it from this coast. Leghorn has flourished, at the expense of Venice, and Trieste is flourishing, at the expense of Leghorn, but nothing has happened, and nothing perhaps can happen, to carry a very active commerce with Turkey into the Black Sea.

It appears, therefore, that to gain a footing at Constantinople, would not give any greater facility or extent to our direct trade with the Turks, or our circuitous commercial operations between the Turkish and other ports of the Mediterranean, and those on the western coast of Europe, since the negotiations between them are made mostly at Smyrna.

The inquiry then occurs, whether a free passage of the Dardanelles would give us a more extensive trade with Russia, and it seems to us there are good reasons for the opinion that it might, though to what degree cannot easily be estimated before hand, on account of the multiplicity and uncertainty of the influences to which almost every species of commerce is liable. The active and increasing commerce between Turkey and Russia, on the Black Sea, has a tendency to produce stable commercial relations between the different ports, and give a facility of exchange and circuitous negotiations. This would afford our merchants the means of combining a shipment for Turkey and another from Russia, or *vice versa*, in the same voyage, and it might often happen, that neither the exportation, nor the importation, could be made without this advantage. The slightest reflection, or the least knowledge of our European trade, will make it obvious to any one, that

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by means of the commercial relations subsisting between two foreign nations, we may be sometimes able to continue and extend our trade with both, when without their help it might not be practicable to carry on trade with either. The English navigation-act had a great effect in promoting their commerce, by depriving other nations of this advantage.

Another advantage might follow from our admission into the Black Sea analogous to the one already mentioned, as it might possibly put the direct trade between Turkey and Russia, more or less, into our hands. We would not be understood to expect that any shipping of the United States would be exclusively engaged in the carrying trade between the opposite shores of the Black Sea, but there would be nothing to prevent our connecting such voyages with others more distant. Though this view of the subject may at first seem to be of very little importance, we cannot but consider it entitled to some consideration. This trade is now carried on almost exclusively by Greeks, who are regarded by the Turks as a sort of foreigners, and are so far from enjoying any commercial privileges, that it is usual for Greek vessels in sailing from port to port in Turkey, to purchase and sail under a foreign flag. The Greeks, therefore, would not be dangerous competitors to us in this trade.

The state of the world, and the tendency of those habits of thinking, which are now so rapidly strengthening and spreading themselves, make it probable that the Ottoman government will gradually learn its interest in respecting the persons and property of its subjects, and introducing principles of administration, that may excite the torpid faculties of its people. The processes of production and consumption may hereafter be as rapid, and cause as quick a circulation of property, in Asia Minor, as they now do in the most civilized nations of Europe. On the other hand, it is possible no such thing may ever happen, and the Turks of the next age may be the worthy descendants of their ancestors of the present. However this may be, the commerce, of which we are speaking, being already very considerable, will most probably be more or less increased, and other nations have the greater interest in its increase, since the Turks have not much commercial jealousy, and foreigners will profit by it, in proportion to their skill in navigation and the extent of their commercial relations, and their habits of trade with the Turks. It is then

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important to take the earliest opportunity for forming these habits, as much from a regard to their future effect, as to their immediate utility.

Yet if Mr. Rördansz is to be relied upon, the throwing open of this trade would be no benefit to our merchants, since they would find in its present possessors, competitors too formidable to be contended with.

'The whole of this trade,' he says, 'is in the hands of the Greeks, on account of the extraordinary assiduity, economy and personal attendance to their business, which no foreigner can equal, and which never cease, even during the time that Constantinople is infected by the plague, which drives every foreigner to seek refuge in the country. The imports from Russia being subject to retail, their advantage is evident. All foreigners are burthened by brokers, attached solely to one house, who receive full five per cent. brokerage, between the buyer and seller. The Greek saves that charge and at most pays a half per cent. The foreigner receives his information from his broker, who is a Jew, respecting the markets; the Greek attends to it himself. The Greek houses generally consist of two or more partners; and in their export-trade, one of them is sent to the islands to provide the wine, oil, soap, silks, &c. with an allowance of a few pence per day for his nourishment. The advantage does not solely rest on the trifling charge, but mostly in the advantage of purchasing in person, and suffering no deceit in weight or measure. What is advanced relating to the advantages of those people, is manifested by their possessing, exclusively, every trade open to them. The adventures which they make to Russia are accompanied by a partner, as supercargo, who sells and provides the returns. The trade between Germany, Holland, and Italy with Turkey, is immense; and yet not one native house of any of those countries exists, either at Constantinople or any one of the cities in Turkey, excepting Aleppo.'*

From the statements of gentlemen recently returned from Turkey, we are induced to think that Mr. Rördansz is misinformed as to there being no establishments of Germans, Dutch, or Italians, in that country. There certainly are houses of each of these nations at Smyrna, and of some of them at least at Constantinople.

The advantage enjoyed by the Greeks in this trade results

* Rördansz's Complete Mercantile Guide, p. 545 of the edition recently published by Cummings & Hilliard, Boston.

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greatly from its being conducted so much in detail, and it will be less when the business is increased and commercial connexions are extended. And then, as to the skill and economy of the Greeks, they are known to be out done by their fellow subjects the Armenians, and we should not despair of the success of some of our own traders, if they could be admitted to a fair competition in the business, even as it is now conducted. But the difference of language renders such a competition impossible, and we cannot but think that the Greeks have a much greater superiority in a knowledge of the language and habits of the people with whom they trade, than in their skill and application. It happens here, as in all parts of the world, that the business which is very much divided, and requires a concern with many persons to transact to any considerable amount, is in the hands of the natives. The trade between Turkey and Russia resembles our coasting trade, there being generally very many shippers, to make up even a small cargo; and as much of the trade as shall continue to be conducted in this manner will remain in the hands of the native merchants. But an increase of mutual productions and consumption, the accumulation of capitals, and an augmentation of their markets may introduce a trade in which foreigners can directly participate.

The advantages mentioned as being the possible result of giving our shipping a free passage into the Black Sea, are obviously precarious, requiring the concurrence of many uncertain causes. They depend in the first place on our trade at the Russian ports, which would be confined to Odessa, since Taganrog lies towards the northern part of the sea of Azof, which is navigable for only four or five months of the year, on account of the ice; and only to vessels not exceeding one hundred and fifty tons burthen, on account of its shallowness.

It is now but twenty four years since the building of Odessa was commenced, and though its growth was checked rather than promoted, during the short reign of Paul, yet Mr. Dearborn states the population in 1811 to have been twenty five thousand, and that it is probably increased to forty thousand since that time. It possesses an important advantage over all the other Russian ports of the Black Sea, inasmuch as its harbour is never obstructed by ice. The Russian government has studiously promoted its growth by con-

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structing a harbour, ware-houses, and roads, and making it a place of entrepot and the channel of a transit trade to Germany and Poland, and conferring commercial privileges upon its inhabitants. It is already opened, or soon will be, as a free port for all articles except brandy and spirits, and these are to be admitted in 1821. Its communication with Moscow and even Siberia, is represented to be as direct and easy as that of St. Petersburg, and through the channels of the Don, the Dneiper, the Dneister, and the Danube, and the extensive roads and canals already constructed and hereafter to be undertaken, there will be a confluence at Odessa, of all the products of the soil and of the arts, from the interior and southern parts of Russia, from Moldavia, Wallachia, Hungary, Poland, and Germany. In return will be distributed from Odessa, through the same channels over these wide regions, all the luxuries of the warmer climates, and all the manufactures of more refined or more skilful nations. The tide of commerce already sets in these directions, and when it is considered that the sources supplying it are inexhaustible, and that new wants and new resources mutually produce and supply each other, it is not possible to assign the limits of its future increase.

It cannot then be a matter of indifference to the United States, whether or not our merchants and ship-owners are admitted to this commerce. It may be said that every article which we can buy or sell in the Black Sea, may be procured or disposed of in the Baltic. Admitting this to be true, as it is in fact for the most part, still trade can be more profitably and more extensively carried on at a great, than at a small market, and at two markets, than at one. Besides, some articles are to be obtained on better terms in the ports of the Black Sea, than in those of the Baltic, for the obvious reason that their transportation is less expensive; and again, if Odessa becomes a place of more extensive business than any on the Baltic, of which there is the greatest probability, there will be a proportionably greater security against delay in making sales and purchases.

Odessa is at a greater distance from us than St. Petersburg; but so is Archangel, yet this does not prevent the trade of the latter from being of more or less importance to us. The comparative length of the voyages to the Black Sea is much more against the trade of England, than that of

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the United States. But that this obstacle is very small appears from the fact, that of eight hundred and forty six vessels, entered at Odessa in 1817, two hundred and fifty eight were English, making about four thirteenths of the whole in number, and probably a much greater proportion in tonnage. The entry of so much shipping indicates that Odessa offers great advantage as a place of trade from England, though the voyages are longer and the insurance, no doubt, higher than to the ports of the Baltic, and there is often a great delay in passing through the straits, where the winds for six months in the year set with the current, out of the Black Sea.

Insurance on European vessels between Odessa and Constantinople, is from two to three per cent. From the United States to Smyrna it is less than to the ports of the Baltic, but to Odessa it would probably be more, in general, by one or two per cent.

We make little account of the terrors of navigation in the Black Sea. Were but few vessels to pass the Orkneys or Cape Hatteras, we should have pictures of their dangers that would make the boldest mariner afraid. But as these dangers have become more known, they are less regarded, and if our vessels shall at any time be permitted to pass the Dardanelles, a hope of profits and wages will soon induce our merchants to risk their property, and our navigators their lives on the Black Sea. We would not however be understood to imply that the navigation of this sea is easy and safe; the violence of storms, the fogs and currents, and worst of all, the want of land-marks on the coast, make it difficult and in a degree hazardous, as appears in some measure in Mr. Dearborn's account of it, and still more fully from the journal of a voyage from Odessa to Constantinople in the first volume of Clarke's Travels. The great number of vessels continually navigated there, not by Turks only, whose resignation to fate makes them regardless of perils, but also by Greeks and subjects of most of the European states, shows that the danger has no effect in deterring people from the experiment. The rate of insurance shows also, that the risk is not supposed to be exceedingly great. It is much higher in proportion, between Constantinople and Taganrog, being from eight to twelve per cent. but then it is upon Greek ships.

It appears to us then that the commerce of our country

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might be benefited by extending it to Odessa, and consequently, that the government should continue to take measures for this purpose. Here is a great and rapidly increasing trade, and nothing seems to prevent our merchants from participating in it, though no exact estimation can be made of its immediate profits or future prospects. In this, as in most other enterprizes, it is doubtful whether the first adventures be successful, and as to the future the shifting winds of fashion and opposing currents of foreign competition and commercial regulations render calculations concerning the course, which commerce may take, liable to great uncertainty. In some few cases, it might be confidently decided before hand, that a particular trade would, or would not be worth pursuing. But in general the advantages and disadvantages can be satisfactorily determined, only by the close and sharp sighted calculations of ship-owners and shippers at the time of making the experiment; and the government discharges its just functions, by giving those calculations the freest and widest range that is possible. Were we a secluded nation like the Chinese, with few exterior connexions, and knowing and caring little except for the world within ourselves, and having a fixed order of society and unchanging habits, we might perhaps question the expediency of troubling this routine of contented existence, with the agitations incident to foreign competitions. But we have no longer a choice between this inglorious quietude, and the struggles of the great theatre of riches, and civilization, and glory. We have already formed very intimate connexions, both political and commercial, with almost all foreign nations. We do not appear as the favoured and protected dependant of one or another of them, but assert a perfect equality, and this it behoves us now to maintain, as well in contests of policy as in those of violence. The world is generally slow to admit new claims, even though they are just; but interest, a sense of right, or liberal way of thinking, generally secure to them in the end their just weight. We have gone on for half a century, disengaging ourselves from one incumbrance after another, and advancing with increasing facility and power, till now we have but little more to do than support our pretensions against our competitors upon pretty fair and equal terms. Great Britain and France have put themselves in our way more than any other nations, but then each of them has

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sometimes been ready to help us against the other, and other nations have not unfrequently been disposed to promote our views in opposition to them both. In the case in question, while England orders its ambassador to guard the Black Sea against our approach, Russia favours our admissiou, and the Porte wishes for it. This proceeding on the part of England is too consistent with the policy which she has very much pursued, of inducing her subjects to place their capital and industry in constrained situations, where they can be supported only by unremitted effort. All the governments of Europe have shown a willingness to do the same, though they have had fewer opportunities. They have ever been rapacious of acquisitions at others' expense, and if they can but gain golden apples, they are willing to expend double their value in feeding the dragon that guards them. Our own country will perhaps catch the same spirit in time, but hitherto we have been at so much trouble to keep or obtain what we have been entitled to, that the possessions of others have not much excited the cupidity of the nation, except as they might be subjects of fair bargain and sale. Nor have we as yet learned to intrigue for or desire exclusive privileges of commerce, having been satisfied with what we could obtain in a fair competition, by our natural advantages, or by the superior skill or economy of our merchants and navigators. Experience will show this policy to be as wise as it is fair and simple. It invites only those kinds of industry and dispositions of capital that are most likely to be stable, because they are more frequently founded upon some real and permanent advantage. Accessions coming in this way, are not excrescences and weights; they become incorporated into the system, and form a part of the body and muscle of the nation. It has been by forsaking this policy, that nations have acquired a forced and excessive growth, which has only contributed to hasty decay.

Our present subject may in the end be an illustration of these remarks. Suppose England should, by excluding us and the Dutch (we believe their flag is excluded) from the Black Sea, secure a vent for many more of its manufactures, and a channel for much of its capital and industry; and at the end of some few years the influence of Russia, or the caprice or dissolution of the Ottoman government, should let in these and all other competitors, and that they should be able to crowd the English out of the trade; would not the

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merchants, mariners, manufacturers, and shipping it might have mean time produced and supported, be immediately thrown upon the public, an incumbrance and a new weight added to the national burthen? This might happen to be sure, in whatever way the trade should have been acquired; but if it were to pass away as the superiority, which had commanded it, gradually ceased, the process would be slow and other things would have time to adjust themselves to the change. But there is a great difference in this respect between a mature and a growing country. Perhaps England by employing all her advantages of situation and skill, her influence with foreign governments and her power on the ocean, cannot employ or at the best can but employ, the hands she already has, and throw off the immense mass of goods, the fabrication of which she cannot continue without a market, and cannot suspend without a kind of political paralysis. All the machinery of the government and that of the national industry may possibly have become so implicated and the action of the parts so intimately dependent on each other, that the least derangement of one has a sensible effect in disturbing the whole. Our civil and economical policy on the other hand is so immature and so imperfectly compacted, that the whole is but little affected by the derangement or tearing away of a part.

But we are apprehensive that our readers have been supposing us, all along, to attribute too much importance to the trade of the Black Sea, both as it respects Great Britain and this country. And we have no doubt that European policy has furnished many cases to which our remarks might be applied with more force and perhaps more pertinency, than to the conduct of England in regard to this trade. We think however, that we have succeeded in what we had principally in view, namely, to explain the principles upon which our government should lend its assistance to trade in this instance. To give the substance of our opinions in a few words, it seems to us that the government cannot be too vigilant in observing, or too active in removing all the obstacles to commercial industry and enterprize, arising from foreign regulations and restrictions, nor too scrupulous in avoiding to give commerce any factitious and extraordinary aid, or to draw it into channels in which it is not spontaneously disposed to flow. It is at present excluded from the Black Sea; its admission there would be attended with some, and might

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be attended with very great advantages. This is a sufficient reason for continuing to take measures for its admission.

There are two ways in which our merchants might carry on trade at Odessa; the one under our own flag, the other under that of some foreign power. To have an ambassador received at Constantinople is the most probable way of gaining admittance of our flag, but it does not follow of course. The French had an ambassador at the Porte fourteen years at least, before their own flag was permitted to pass the straits. and Mr. Dearborn states that their trade began under the Russian and Austrian flags. Macpherson's Annals of Commerce contain a particular account of the rise of this trade, which was favoured by the governments of France and Russia, in compliance with the representation made to them on the subject, by a Mr. Antoine, who was among the first Frenchmen to engage in it. We do not find that any other than the Russian, English, Austrian, and Venetian ships have begun their commerce here under their own flags. The Poles also seem very early to have had a free trade in Turkey. Besides the three remaining flags out of these five, the French, Portuguese, Swedish, Sicilian, and Sardinian are, at present, as nearly as we can learn, the only ones permitted by the Porte. We have not been able to ascertain in what manner a vessel is protected by a foreign flag. By a treaty made between England and Turkey in 1675, it is stipulated that the English flag shall protect the vessels of Spain, Portugal, Holland, Florence, and Ancona. From the terms of this treaty, and from the general impression that some arrangement with the Porte is requisite to the admission of our vessels, we infer that a flag protects the vessels of other nations, only in pursuance of a stipulation to that effect with the Ottoman government.

There might be some objection to carrying on a trade under a foreign flag, on the score of national pride. This principle ought to be cherished and respected, and if the trade to the Black Sea were bought by sacrificing it in any degree, we should pay dearer than the English government did formerly for the Turkey trade, by giving their merchants £10,000 a year for its encouragement. Much of this commerce, however, has been under the protection of foreign flags for three or four centuries. and some of the most powerful nations of Europe have not scrupled to assist their subjects to conduct

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it in this manner. Use seems to have given a construction to the practice, consistent with a just national pride and self-respect. We cannot perceive any better reasons for delicacy on this point, than in regard to the duties paid to the government of Denmark on entering the Baltic, which under the name of *light money* amount to a very heavy exaction from all foreign vessels. Still, all sentiment aside, it may be more easy, and more economical, to introduce our commerce by means of an embassy. But to form any decided opinion on the subject, requires information which we have not the means of obtaining.

In this age of brown paper and miniature editions, we rejoice in a book of so comely an aspect as Mr. Dearborn's, but the size and style of typography render it expensive, and will prevent it from passing into so many hands as a cheaper book would have done. The chart of the Black Sea is a useful appendage, and would have been more so, had it been printed on a paper not so liable to break in pieces by use.

Though we have not gone into a particular examination of the contents of these volumes, for reasons already mentioned, yet we have said enough, we think, to assist in drawing the attention of our readers to the general subject, and to remind them of the importance of making themselves acquainted with the work itself. It deserves the attention of those who have a regard for the public welfare, inasmuch as it treats of important commercial interests. It is filled with information, calculated to be useful to those engaged in foreign trade. We do not suppose this, or any other book, can be so useful, as a price current, in enabling a merchant to plan a voyage, or make up his mind in the choice of articles for a shipment. Still he cannot direct his inquiries with intelligence, or combine various operations in one system, or discover new courses of profitable trade, without extensive previous information. This, it is true, he may acquire by conversation and experience, but if he adds reading to those sources, his knowledge will be more certain and more easily and cheaply gained, and his ingenuity and skill will have a wider field.

In some few places the work wants the simplicity of expression, and close connexion and dependence of the parts, and exact method, which mark the productions of a practised writer; but they are not such defects as deserve serious animadversion in a work like this, directed to a useful object,

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and not proposed as a specimen of art. Mr. Dearborn is entitled to the thanks of the public, for presenting it with so much valuable information on a subject of general interest. His work, as it required no inconsiderable labour, does him the greater credit, as he has compiled it in the intervals of the occupations of a laborious office, and has thus devoted to the public and to a well earned reputation, the time which most men, and that without reproach, bestow on ordinary amusement and relaxation.

ART. X.—*Memoirs of the life and campaigns of the Hon. Nathaniel Greene, Major General in the army of the United States, and commander of the southern department in the war of the revolution. By Charles Caldwell, M. D. Professor of Natural History in the University of Pennsylvania.* Philadelphia, published by Robert Desilver, 1819.

A LIFE of General Greene has long been wanting; no work, we apprehend, could more excite the interest of the public, or meet with a readier sale among all classes of the community. We had been pleasing ourselves for some time with the hope that it was about to be furnished by a gentleman of South Carolina, every way fitted to the undertaking. Fearing, however, that there may have been some mistake in regard to this, we are quite sure that the curiosity of our readers will be excited, in respect to the work before us. Dr. Caldwell is a gentleman who does not appear before the literary public without experience. He before this has edited, we understand, many works relating to his own profession, and thereby no doubt acquired a good proficiency in the art of doing up a book off hand.

It is not very common, we know, to pay much regard to the preface of a book, it having long been considered like the compliments of the day, pretty much a thing of course, a sort of entering bow to the public, and in no wise binding upon the author. But the preface to the work before us differs so much from the generality of these productions, is so full of just remark, so modest, states so correctly what the reader is to look for in the work, and will assist us so much in explaining many things which come after, that we cannot well avoid

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noticing it. The author's leading objects in composing this Memoir of Gen. Greene were, he says, 'to pay a just, though long neglected tribute to one of the most distinguished benefactors of our country, to aid in the defence of the American character against the imputations which assail it from abroad, and to show, that in the greatness and glory of our own countrymen, we may find ample scope for that admiration which has hitherto been too much engrossed by foreign splendour.' In pursuance of these extensive and interesting objects, and particularly, we presume of that which relates to the defence of the American character, Dr. Caldwell commences his preface with a very learned and, as it strikes us, convincing argument, to prove, that of all republics, ancient and modern, that of the United States is the only one, to which the proverbial charge of ingratitude can with justice be applied. After enumerating those of every age, and satisfactorily proving the inapplicability of this imputation to them, he thus proceeds. 'To proclaim the faults of our own country, is painful and mortifying, but whether we speak, or write, or act, truth should be our object; and it cannot be denied, that to the people and government of the United States, the vices of injustice and ingratitude to public benefactors are more deeply imputable, than to those of any other nation.' He observes with great discrimination, that he 'perceives no cause to believe' that it is the form of government itself, which is ungrateful, but rather the individuals who live under it, a sentiment in which, however novel and startling it may at first appear, we have little doubt that most persons who reflect deeply, will fully coincide with our author.

This '*deep blemish*,' he thinks, arises from some defect in the moral constitution of the individual, and is to be attributed in this country to our want of a genuine spirit of patriotism.

'To inquire,' he says, 'into all the causes of this neglect is not our intention. The exemption of our country from war, and the general felicity of our situation, rendering us less dependent on the benefactions of great men, constitute one of them; but the most operative and fruitful of them is, our want of a *genuine spirit of patriotism*.'—'Did we love our country to the extent we profess to do, we *would* love and cherish every thing that might minister to its greatness and glory. But the richest source of a nation's glory consists in the illustrious natives of its soil. While we continue to neglect these in vain *will* we boast of our national

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spirit and national pride.' Our attention is too much drawn off, it is added, by 'the heroes of Europe who fulminate at the head of powerful armies.'

It may seem to many a matter of some little difficulty to reconcile these rather severe strictures upon the American people, with that defence of the American character, which the author proposed as one of his leading objects in undertaking this work, but our readers will be pleased to observe that this proposed defence was to be against imputations from *abroad*, only, which is evidently a very different thing. Had Dr. Caldwell fallen in with such remarks as these, in some foreign journal, some Edinburgh or Quarterly Review, or Scotch Magazine, he would no doubt have taken the matter up with becoming heat, and fully proved the scandal. But a man, as every body knows, has a perfect right to call himself by all the names he can lay his tongue to, and it is no slander; but this affords no excuse for others. Of the truth of the charge, severe as it is, we take it no intelligent person can doubt. It is now upwards of thirty years since the termination of the revolutionary war, so long ago, that many of the more advanced persons engaged in it are dead; though not so many, indeed, as was thought before the late pension law, which has had an excellent effect upon old soldiers, and brought them to wonderfully. Since then the country has gone on to prosper, commerce and agriculture have been most successfully pursued, many new states brought into the Union, canals have been dug, roads laid out, banks created, the fisheries attended to, and yet no person has written a life of General Greene. As Dr. Caldwell sensibly observes, 'so marked has been our indifference, and so unrelenting our neglect, that they are a reproach to the nation.' To be sure, there have been several histories of the country, and of the events of the war, in which General Greene has been handsomely mentioned;—yet, as our author observes, 'that they have done him justice will not be maintained by any one, that has looked into the transactions of his life.' The truth of this remark will fully appear upon the perusal of this life, in which all that could be gathered of General Greene has been faithfully collected and eloquently set forth, as the author, with a pleasing diffidence, thus informs the reader:

'That we have ourselves succeeded in doing justice to his memory we do not venture to believe. On this point, however, we *will*

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be permitted to lay claim to the humble merit of honest intention and sedulous endeavour. We have spared neither trouble nor cost, having written very many letters, visited many distant individuals, and travelled more than a thousand miles, to procure information, and all that was made accessible to us we have faithfully used. To Mr. Christopher Greene of Rhode Island, brother to the General, with whom we had an interview, we are indebted for several interesting facts. Under this head we shall only add, that we hope we shall not be accused of vanity for believing, or arrogance for asserting, that there are few persons living who can attentively peruse this volume, without knowing much more of General Greene on closing, than they did on opening it.'

In speaking of the sources whence his facts have been derived our author afterwards says,

'All our facts of primary importance, touching the life and character of Greene, rest on the authority of written testimony.'

We ought to observe here, that the author must have used the word *written* in this place, as synonymous with *printed*, as will be evident to every one after a perusal of the book. And indeed we should hardly have thought it worth while to notice so trifling a mistake, and one so easily discoverable by the reader, were it not that Dr. Caldwell is rather apt to use words somewhat too loosely, as may be observed in the frequent occurrence of *will* for *shall*, *would* for *should*, and others of like kind, which we are sorry to find has given some persons an ill opinion of his disposition; whereas we are fully of the mind, that it arises altogether from his not being well instructed in the precise difference between the tenses, and from that disregard to mere words, which is common to all men of genius. Of the uncommonly elevated style, in which this book is written, and the generous enthusiasm which runs through the author's remarks, too much cannot be said. We are not sure that this will not lay the foundation of a new style in biography. There has been, we know, a prevalent opinion, that it is the duty of biographers to present to their readers a statement of facts merely, a dry outline of the life, a collection of particulars and anecdotes, illustrative of the character, and then to leave it to every one to form from this his own estimate of the individual. Dr. Caldwell, however, with a boldness and originality, quite noticeable, has laid aside this dull and mistaken mode, and ventured upon a plan

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hitherto untried in this species of writing. He has not put it upon the slow apprehensions of his readers to puzzle out, as they could, the character of General Greene, a process which would give them a great deal of useless trouble and expose them to waste much thought. Avoiding all that detail, which writers of biography are apt to fall into, he comes at once to grand results, and from them lays down the General's character, with such clearness and decision, such colouring and finish, as to leave nobody at a loss about it. To those persons, who, adhering to the old mode, may be inclined to find fault with our author in this respect, we recommend an attentive perusal of Dr. Caldwell's reasoning on this subject, and we believe that their objections will be overcome.

'If, in speaking of the characters and exploits of Greene and his officers, we should be thought to have occasionally substituted the language of panegyric for that of real and dispassionate biography, it is because the nature of the subject demanded it. Splendid actions and exalted qualities cannot be presented in humble expressions. As well might we attempt to depict the rainbow in faded colours. Nor have we yet learnt the art of disguising our feelings when excited by objects that fire the imagination, or when treating of topics which appeal to the heart.'

We have said thus much of the preface of this work, and made so many extracts from it, because we thought it but fair, however much we may think of the merits of this book, to let our readers have an opportunity of judging for themselves, how well the author has fulfilled his promises to the public.

The volume is in size an octavo, containing, besides the preface, and a short appendix, not far from four hundred and fifty pages. It has a beautiful margin, and a type so large, and the lines so far apart, that persons the most advanced in years may read it with great convenience. Of these four hundred and fifty pages, twenty are devoted to an introduction, in which are displayed a view of the causes which tended to bind the colonies to the mother country, and to dishearten the leaders of the revolution,—the effects of the revolution upon this country,—and its probable influence on the condition of man, and the merit and glory of those concerned in it. We shall not stop to make the remarks we could wish, on this comprehensive essay, but content ourselves with recommending it to the careful perusal and study of those who make it a

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point to read every thing which is written on these important topics.

The first chapter, which consists of seventeen pages, and comprehends the principal part of what is new in relation to General Greene, gives his birth, parentage, &c. He was the second son of Nathaniel Greene, an anchor-smith, and was born in the year 1741, in the town of Warwick, in the then province of Rhode-Island.

'*As far as is known*,' says Dr Caldwell, 'his childhood passed without any peculiar or unequivocal indications of future greatness. But this is a point of little moment; the size of the oak it is destined to produce, can rarely [qu. ever?] be foretold from an examination of the acorn. Nor is it often that any well defined marks of genius in the child afford a premonition of the eminence of the man.'

We were not a little disconcerted here, under the apprehension, from the tenor of the foregoing remarks, that our author had unadvisedly carried the new system of biographical writing so far, as to omit all those entertaining little anecdotes of early greatness, which from time immemorial have appeared in all biographies, and indeed constitute the principal interest of such books to people with rising families. We were relieved, however, from our embarrassment by the next sentence, in which our author goes on to say, that several of the General's contemporaries have a perfect recollection, 'that young Greene had neither the appearance nor manners of a common boy, nor was he so considered by his elder and more discerning acquaintance;' and proceeds with a relation of his uncommon precocity, at the expense of some pages. We can only account for this singular contradiction and change of purpose, by supposing that Dr. Caldwell, after closing the preceding sentence, coming to reflect more seriously upon what might be the consequences of departing so much from the approved custom, in this particular, and of showing so little regard to the taste of the public, subjoined these last pages in some haste, as a thing that did not come within his original plan, and forgot, in so doing, to correct the sentiment that went before. And yet it puzzles us a good deal in this explanation, that within these few pages are to be found, we apprehend, the greatest proportion of these new and important facts, for the promulgation of which this book was expressly

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written, and of which so much is said by Dr. Caldwell in his preface.

As one of the most remarkable among many other distinguishing traits, Dr. Caldwell makes particular mention of young Greene's uncommon swiftness, in which respect he seems to have been a second Achilles, and on this subject thus very happily expresses himself.

'For swiftness of foot, in particular, he was without a rival. Yet he neither usurped the foremost place with an air of haughtiness and conscious superiority, nor struggled to maintain it, as a prerogative which he held in high estimation. It was instinctively surrendered to him by the justice of his companions, who recognized in him a right to it, which they could not dispute, and it remained in his possession as a matter of course, because without a voluntary relinquishment, on his part, none of his equals could wrest it from him.'

This we conceive to be one of those passages which Dr Caldwell had his eye upon when he said in his preface 'splendid actions and exalted qualities cannot be represented in humble expressions.' Few passages precisely similar can be found, as far as we are aware, in the most celebrated productions. The subject, to be sure, is in itself calculated to excite the imagination and draw forth the powers of the writer, yet how few biographers would have painted it in such lively colours, and given it such a reality. Who is there that cannot distinctly see Greene, from this description, cutting through the streets of Warwick, while his brother and companions, at his heels, are striving in vain to wrest the palm of swiftness of foot from him? How indicative was this of his future greatness as a warrior! Homer never tires of the epithet which expresses this quality, in the description of his hero; Frederick the Great was wont to boast that he once scampered from the field of battle; and to the successful cultivation of this noble quality in early life on the part of General Greene, is to be attributed, without doubt, under divine providence, that masterly retreat of his across the Dan, when pursued by Lord Cornwallis.

We take the liberty of calling the very particular attention of our readers to another highly interesting fact relative to the early life and education of General Greene, deeming it, with the exception of that just mentioned, the only

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one entirely new, and on many accounts by far the most important of those narrated by Dr. Caldwell. There is indeed good reason to think that it must be the very one he rode a thousand miles after. It is no other than this, that General Greene, at quite an early age, possessed himself of a correct and practical knowledge of men and affairs, and qualified himself for the duties of a quarter master general, by working at the blacksmith's business. This remarkable fact is thus stated by the author.

'In obedience therefore to the wishes of his father, he early *embarked* in his own line of business, and in the regular pursuit of it, consumed the principal portion of his time. Even this, in the round of events, proved tributary to his future distinction and fame, and to his high and varied *utilities* in military life. By giving him full strength of muscle and hardihood of person, with a correct and practical knowledge of men and affairs, it qualified him the better for the toils of a camp, and the important trust of quarter master general, in the able discharge of the duties of which, during the most disheartening period of the war, he added, so immeasurably to his own renown, and served so essentially the interests of his country.'

How Dr. Caldwell as a philosopher, a man of letters, a physician and philanthropist, could let this matter pass by without more comment, we find it difficult to conceive; for taking into view the little time and money that the youth of this country have to spare for the purposes of education, and more especially the dyspeptical turn, which our climate seems unhappily to be taking, it would seem to us one of the happiest events in our history to fall upon so cheap and healthful a mode of acquiring a species of information so important to every one, and to which so much time, money, and foreign travel are often devoted in vain. And unless this be one of the secrets of the trade, we are free to say, that Dr. Caldwell can hardly stand excused for not fully explaining to his readers, how Greene contrived to hammer it out, from a pursuit apparently so disconnected from the knowledge of men and affairs.

Our author proceeds after this to relate within the compass of between forty and fifty pages, Greene's entrance into the army as a private soldier, his several appointments to the offices of brigadier and major general, and quarter master, and the part he took in the various engagements, and the

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duties of his station, until his appointment to the command of the southern army. Although there is nothing new in these last pages, and we apprehend, as we have before remarked, that the cream of this biography, as far as it introduces any new facts illustrative of the character of General Greene, is to be found in the first chapter, still our readers are not to suppose these other portions to be without their interest. On the contrary, the original and conclusive manner, in which the author establishes the military character of Greene, and the other heroes of the revolution, and the high ground on which he places them, in a comparison with the great captains of other nations and times, forms one of the most considerable points in his work. Our author loses no time in detailing particulars. He does not, as most writers would, enumerate the various battles in which the skill and conduct of Greene were conspicous, and tire out the patience of his readers with uninteresting minutiæ, merely to show how he was great, and in what he particularly excelled others. But he demonstrates off hand, within the compass of half a page or so, and in a style of reasoning, which shows his skill as a logician to equal his felicity as a biographer, and his zeal as a patriot, that Greene was infinitely superior to any of the boasted heroes of the old world, even Buonaparte himself. It is difficult to convey to our readers a perfect idea of our author's power in that way. Not to do him injustice therefore, we shall take his own words.

'The writer of these memoirs pretends to no military experience, nor has he any attainments in the science of war. The positions he has here ventured to advance, he regards as the result of common sense; and without any serious apprehension of being found in the wrong, appeals for their correctness to the judgment of those who are bred to arms, and versed in the practical operations of the field. Strange and extravagant, as to most readers, perhaps, the opinion may appear, he has no hesitation in believing, that General Greene's campaigns, in the southern department, required more of a military talent to conduct them, than did those of the Emperor Napoleon, in which he humbled Italy, Prussia, and Austria. The latter, whose means were in his sword, overwhelmed by the direct operation of superior force; but the former, destitute of force, employed, chiefly the weapon of policy, dextrously wielded by the hand of genius. The conquests of the one were more the result of physical power, heightened and embol-

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dened by a confidence of victory; while the success of the other arose from the unbounded resources of his intellect.'

These are general reflections only, then comes the demonstration as follows.

'We would not be understood, as meaning to run a parallel between General Greene and the Emperor Napoleon; much less, to disparage the talents of the latter, whom we consider in the main, as the most distinguished captain of the present age—perhaps of any age. But many military characters, of sound judgment, and no inconsiderable experience in war, who have studied both, with deliberate attention, concur in giving a preference on the score of policy to the campaigns of General Greene, over those of the leader, who in the battle of Waterloo had the good fortune to conquer Napoleon. This decision we believe to be correct. Greene, as will presently appear, vanquished Lord Cornwallis, who, in his genius for war, was superior to Lord Wellington.'

The learned reader will observe that this is a compound syllogism, of the kind called *prosyllogismus*, and in respect that all sorts of questions or conclusions may be proved in the same way, whether they be A, E, I, or O, may be said to come under the mood *Barbara*, though we know that this mood is particularly applicable to *simple* syllogisms.

Freeing this argument then from its adventitious terms, and putting it into its proper form for the advantage of those who are not so well versed in logic, it will stand thus:

Greene, it is well known, vanquished Cornwallis;

Dr. Caldwell says that Cornwallis was superior to Wellington;

Therefore Greene was a greater general than Wellington.

But Wellington had the good fortune to conquer Napoleon in the battle of Waterloo.

Therefore Greene was manifestly a greater general than Napoleon. Q. E. D.

The standing of General Greene as a military man is thus forever put at rest. That part of his life which, but for this summary course of argument would have been the most important, as more perfectly developing his military character and the resources of his mind, is to be looked for in his southern campaign. From the commencement of this period until the close of the war, he was acting independently, in a situation of the greatest responsibility. The portion of Dr.

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Caldwell's book which relates to this period, consisting of three hundred and thirty odd pages out of four hundred and twenty six, is very judiciously (although we must confess rather unexpectedly to us, after what the author had said in his preface of the injustice done to Greene by all who had written on this subject heretofore) extracted from Lee's Memoirs of the Southern War. About one hundred pages are regularly quoted, and credit duly given. Of the remainder, Dr. Caldwell, having corrected many expressions, and in some instances altered the arrangement of an entire sentence, did not, we presume, think it would be fair to give it as Lee's, and therefore has said nothing about it. It will be unnecessary of course for us to dwell much upon this part of the work, since most of our readers are probably acquainted with the highly interesting narrative of General Lee. We cannot however refrain from extracting a passage or two from Lee, and the corresponding amended ones from Caldwell, merely to show how ingeniously and elegantly the language of the former has been, in many instances, corrected by the latter, without any alteration whatever in the sense. For instance, Lee says, in speaking of the cruelty shown by Colonel Tarleton, upon the defeat of Colonel Berford, in the settlement of the Waxhaws,

'In the annals of our Indian war, nothing is to be found more shocking; and this bloody day only wanted the war dance and roasting fire to have placed it first in the records of torture and of death in the west.'

As corrected by Dr. Caldwell it stands thus.

'In the blood stained records of the hatchet and the scalping knife, there is nothing to surpass it; add the stake and the fagot, and you complete the climax of human barbarity.'

But it is only when Lee's language is susceptible of such great improvement as in this instance, that Dr. Caldwell finds it worth while to make much change in it, as, to state a passage just under our hand, in the sketch of the character of General Morgan, which, with similar notices of Davie, Marion, Sumpter, De Kalb, and a number of other distinguished partisan officers, is put by Lee, in order to save room, in an appendix and in a smaller type, but for many sufficient reasons, inserted by Dr. Caldwell in the body of his work.

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Lee, after mentioning the circumstance which led to a breach of intimacy between General Gates and Morgan, proceeds,

'From that moment all intimacy between himself (Morgan) and Gates ceased; and when, a few days afterwards, the latter gave a dinner to the principal officers of the British army, among which of course some of ours were mixed, Morgan was not invited.

'It so happened that this meritorious officer found it necessary to call upon General Gates, in the evening, on military business. He was introduced into the dining room; and as soon as he spoke with Gates withdrew, unannounced to his guests. The British officers inquired his name, seeing from his uniform that he was a field officer; and upon being informed that it was Colonel Morgan, they arose from the table, overtook him in the yard, and made themselves severally known to him; having, as they ingenuously declared, severely felt him in the field. Thus the slight of Gates recoiled poignantly on himself.'

This passage, we shall see, is but very triflingly corrected by Dr. Caldwell, as indeed is the case with the greater portion of the last three hundred pages.

'From that moment ceased the intimacy, that had previously subsisted between him (Morgan) and General Gates.

'A few days afterwards the general gave a dinner to the principal officers of the British, and some of those of the American army. Morgan was not invited.

'In the course of the evening, that officer found it necessary to call on General Gates on official business. Being introduced into the dining room, he spoke to the general, received his orders, and immediately withdrew, his name unannounced.

'Perceiving from his dress, that he was of high rank, the British officers inquired his name. Being told that it was Colonel Morgan, commanding the rifle corps, they rose from table, followed him into the yard, and introduced themselves to him, with many complimentary and flattering expressions, declaring that on the day of action they had very severely felt him in the field.'

This we consider a pretty fair specimen of Dr. Caldwell's manner of turning Lee to account. Some persons may object to this mode of writing biography, but the parts of the book in which this plan is followed, seem to us so much the most entertaining and useful, that so far from complaining of it, we are sometimes tempted to wish that our author had kept to it entirely. We are exceedingly happy to find, that however general may be the want of a spirit of true patriotism

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in this country, the author presents in himself at least one honourable example of an individual who is yet alive to it. Dr. Caldwell, we understand, from those better acquainted with him than we are, is laboriously occupied in numerous scientific and literary pursuits, and if we are rightly advised, has lately added to them much, by the acceptance of a very responsible situation in the rising university of a sister state. Notwithstanding all this, actuated by that spirit of true patriotism, the decay of which he has so ably demonstrated, and so eloquently deplores, he has devoted himself to the performance of a work which, taking into account the copious extracts made from Lee, and the ingenious and delicate correction of them, the construction of an unusually able preface, besides a *lengthy* introduction, and the collection of some facts, and lastly the working up of these various materials into a finished biography, must have occupied, we should say, at the very least, from two to three weeks of the author's valuable time; and this too, we presume, without the expectation of any other reward or compensation on his part, than that pure and ennobling one indeed, which every patriot and philanthropist derives from the reflection, that his labours are benefiting his country and mankind.

But nevertheless, Dr. Caldwell must not expect exemption from the common lot of man. As he very justly observes himself, 'exalted merit never fails to become an object of envy, intrigue, and detraction.' We notice already the rising murmurs of many discontented purchasers, especially of such as chanced unfortunately to be previously in possession of Lee. The notes of these last are distinguished by a peculiar intonation, and produce at times very harsh music. The disappointed avarice of these persons hurries them into the most indecent comparisons, and there are not wanting those who have the hardihood to say, that as one of our inland tavern keepers, having established himself upon the capital of a setting hen and her venerable consort, boldly pronounced to the world upon his cloud capt sign, 'refreshments of all sorts for man and best,' when after all, the hungry and unsuspecting traveller has to witness from his window, with various internal emotions, the capture and execution of the feathered veterans; so our author, after announcing in the preface a rich repast of what 'few persons living' ever tasted, ends with dishing up an ill assorted hash of stale and broken meats, from off the table of General Lee.

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We understand that other more charitable critics have said that as to the book, it was a good book enough, only the author had erred in the preface, and expressed himself without due correctness. For, say they, had it but been called, 'An abridgment of Lee's Memoirs of the Southern War, for the use of schools;' or 'Brief notices of several of the revolutionary heroes adapted to young persons;' or 'Thoughts on the American Revolution, interspersed with some anecdotes of General Greene;' or 'Hints on the state of the country, during the revolutionary war, with a preface;' or something or other of this kind, nobody could have been much disappointed in it.

Others, we are told, affect to go farther, and to intimate that this is probably a surreptitious work, gotten up by some person jealous of Dr. Caldwell's reputation; and determined to injure him with the public by putting his name to the title page of a work, quite unworthy of him. They will have it, that no man, with a character as an author at stake in the community, could have composed a work of which all that is good is borrowed, and most that is borrowed is taken without credit. They pretend to expect by every mail a public disavowal by Dr. Caldwell of the very ordinary performance thus insidiously ascribed to him, with a denunciation of the terrors of the law against the author of so injurious a fabrication. Should this statement of the case prove to be correct, we shall be among the first to assist in bringing the offender to condign punishment.

The sum of several ill natured remarks which we have heard on the subject of this work put altogether into plain English amounts to this one simple objection only, viz. that this book, after all, contains little or nothing, and what little it may contain, is made up of extracts. Now we would just take leave to ask these cavilling gentlemen, whether they really mean that Dr. Caldwell's ingenious and instructive preface amounts to nothing? That his profound and luminous introduction amounts to nothing? That his sound and judicious remarks sprinkled over the whole work besides the two remarkable anecdotes of General Greene before noticed, amount to nothing? If indeed all these things can be said to amount to nothing, why then we shall agree that this is a very poor book, and had better never been written. But as this last is a very nice question, and our minds are by no means settled

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upon it, we shall leave it to our readers for their better decision.

To be serious, however, they must not think from any thing we have here said, that we lightly estimate the character of General Greene, or in the least undervalue his services in the revolutionary war. On the contrary, so far as the independence of this country is to be attributed to the military operations of the period in which he acted, we conceive, that he is justly entitled to hold the next place to Washington, in the respect and gratitude of his countrymen.

In 1775, Rhode Island raised three regiments of militia for the service of the states, and placed Greene, then thirty years of age, at their head, with the rank of brigadier general. Little is known of him prior to this, excepting that he sustained the character of an industrious, intelligent, and active man, following the occupation of an anchor-smith, and enjoying the estimation and confidence of his fellow-citizens, as this appointment of itself sufficiently shows. He had been educated in the society of Friends, and continued connected with the sect, until the measures which he proposed and defended in the Legislature of Rhode Island caused his dismission, some short time before this period.

As soon as he had entered upon his command, he repaired with his troops to Cambridge, having no other knowledge of military affairs, than he may be supposed to have acquired by being drilled as a private soldier in a company, which had been formed some seven months before. From this time, until the latter part of the year 1780, he acted under the command of General Washington, and in conjunction with him. During this period, including more than four years, Washington seems to have estimated him very highly, both as a man and a soldier. By his advice, in the year 1778, he was appointed quarter master general, a situation at that time of much importance and responsibility, and requiring great intelligence, activity, and labour. He appears to have discharged the duties of this office for a year, in such a manner, as to add very much to his general reputation, and fully to confirm the high estimation in which Washington had before held him.

In the year 1780, the prospect of a successful termination of the war and of the eventual independence of this country was much more unpromising than at any other period. The

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English force in and about New York was well disciplined, well officered, abundantly provided with every necessary, and in high spirits; while the force under General Washington presented the entire reverse of this. It consisted chiefly of men whose terms of service were so various, that it was continually changing, and who were consequently never well acquainted with the duties of a military life nor enured to its hardships and privations. Badly armed, badly clothed, and badly provisioned, receiving, at times, not more than one eighth of their allowances, disheartened with continued ill success, and with the worst apprehensions, and more than all, officered by men, who for the most part were but little better informed in their military duties than themselves, it is not to be wondered at, that they murmured much, and sometimes mutinied.

Affairs at the south were at the same time still more gloomy. The entire states of Georgia and South Carolina had been subdued, and taken possession of by the British; and the American forces in that part of the country almost annihilated by heavy and repeated losses. The royalists, who before had ventured to assist the cause of the mother country only with their wishes or secret services, now openly came out to its aid, enrolled themselves in large bodies under its banners, and overawed and controlled all, who were inclined to take a different part.

General Gates, who had drawn to himself the notice and confidence of the Congress by his conduct in the north, previous to this, and particularly by his capture of Burgoyne, was now called on to transfer his successes to the south; and to arrest, if possible, the further progress of British arms and American despondency in that quarter. His arrival there excited anew the hopes and enthusiasm of the American troops, and they prepared, in better heart, once more to face their opponents.

But this excitement was of short continuance; the reputation of this general and the hopes of his countrymen soon fell together. And by the decisive victory of Lord Cornwallis at Camden, a cause, that before was all but hopeless, seemed now to be rendered desperate.

It was at this juncture, that General Washington was directed by Congress to appoint some person to take the place of the unfortunate Gates. He fixed upon General Greene without any hesitation, as the most suitable officer, in

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the American army to be sent upon that service. This prompt appointment is of itself Greene's best testimony for his military life thus far. It was made by a man of all others best able to judge correctly of his merits. And every one who calls to mind the situation of the country at that period, the extreme importance of this command, and the responsibility under which General Washington acted in making it, will forcibly feel that it gave to Greene a military character, which no after events, however unfortunate, ought justly to impair. Happily these after events fully demonstated the wisdom of the choice, and vindicated at the same time the penetration of Washington and the powers of Greene.

At the time of entering upon the duties of this station, Greene had little reason to flatter himself with the expectation of being more successful than his predecessor. His own army amounted to but about two thousand men, and they principally militia; whilst that of his opponent, in consequence of late reinforcements from New York, exceeded eleven thousand. The whole of that part of the country too was exceedingly disaffected to the American cause, so much so that Greene is represented to have been in danger of his life, as he went on to take his command. The royalists of North Carolina were resorting in great numbers to Cornwallis, and the skirmishes between them and such of the inhabitants as remained in the American interest were particularly severe and vindictive.

But although Greene well understood the difficulties of his situation, and was led from a view of them to judge much less severely of the mistakes and misfortunes of General Gates, than others did, he was by no means disheartened, but prepared to combat them, with that energy and decision which were the prominent characteristics of his mind. The theatre of action was now laid by the British in North Carolina, and they were making great exertions to bring that state like South Carolina and Georgia into subjection. Greene was unable to withstand them, but in his memorable retreat across the Dan, he more fully displayed his military talents, more fully possessed himself of the confidence of his soldiers, and more effectually raised the drooping spirits of the country, than he could have done by the most successful engagement. This retreat was made under every possible disadvantage. It was in the winter season, his troops were without provision

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or clothing, marching twenty and thirty miles a day barefooted, and through a country filled with royalists, who were doing every thing to mislead and retard him, and to assist his enemy. Pressed on the very heels by an army, that was hungry for him, an army that was perfectly equipped and amply provisioned, and commanded by a distinguished officer, who well knew the importance of overtaking him, one misstep and he would inevitably have been lost, and with him the cause of the South. He was indeed much indebted on this, and all other occasions, to the brave officers who surrounded him, to Lee, Howard, Marion, Sumpter, Williams, Davie, and many others. In no part of America, and at no period of the war, were undaunted bravery, daring enterprise, and an entire devotion to the cause of independence, better displayed, than at this trying juncture, by these heroes of the South.

No sooner had Cornwallis thus driven our army from North Carolina and returned as far as Hillsborough, there to establish himself for the purpose of calling in the inhabitants of the state to their former allegiance, than Greene was again unexpectedly at his side. In vain he pursued, in vain he retreated, wherever he went, Greene was at hand, to oppose his progress and baffle his plans. This was the way in which Cornwallis was finally overcome, this was the way in which the English were at length driven from the South, and from America.

This is not the occasion to go through with the detail of the manœuvres and actions, which took place in the South, and which terminated so successfully for us. The single one, at which we have thus slightly hinted, as fully develops Greene's military character, as the whole of them could do. He showed himself in all, to be a man of a sound judgment, of great discretion, of unrelaxing nerve and courage, always prepared to take advantage of any fortunate event, and to lessen as much as possible the bad effects of every untoward one. He was possessed of a firmness and hardiness of character that eminently fitted him for the situation he was called on to fill, as they were themselves called out and developed by the events of the period in which he lived. Had the revolution taken place fifty years before, or fifty years after, Greene would have been, no doubt, a useful citizen and a good anchorsmith; but happening as it did, he became a distinguished patriot and able commander. He was formed by the times, and therefore well suited to them.

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But all this is very much below the degree pointed out on Dr. Caldwell's thermometer; his quicksilver, when brought in contact with General Greene, runs up at once to the boiling point. He is not content with Greene's being acknowledged the second best officer in the American army, which we think praise enough for any man, but will have him to be the first that ever commanded elsewhere; and on this point he runs on in a loose, inflated style of writing, which is bad enough on any subject, but on such an one as this, altogether misplaced and absurd. This, to be sure, he calls a noble enthusiasm—a true spirit of patriotism—a proper sensibility to the merits of our great men; but we call it *rodomontade*. He says,

'The truth is, that, Frederick and Napoleon excepted—and we are not confident that even they ought to be excepted—we believe General Greene to have been superior, in all the higher qualities of command, to any general officer that has appeared in Europe for many centuries.'

Unfortunately for our country, whenever a book chances to be squeezed out among us, once in two or three years, the writer, as it is so rare a thing, thinks he is bound to make the vindication of the American character one of his topics, let the others be what they may, and, therefore, with a graceful diffidence, proclaims aloud to all nations,—Sirs, we feel it our duty to state, that we are, without any exception, the greatest people that ever did or ever can exist; nothing is too hard for us; we are perfectly acquainted with all arts and sciences, from the raising of turnips to the finding of new stars; and this we give you our word for.

Upon which the English, on behalf of the poor remnant of this globe, turn short around upon us and say,—Gentlemen, with unfeigned grief and reluctance we take it upon us to declare, that you are but dullards and blockheads, that you know but little, and are not likely to know more, and this you may rely upon, coming as it does from us, who are candid judges of these matters.

Now if we may be permitted to put in a word upon this subject, we should strongly advise to the driving of a turnpike (an amusement much affected in these parts) right through the centre of the valley, that divides these two prominent and opposite opinions, and propose the keeping upon that. We

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shall thereby probably meet with less jolting, and be likely to come sooner to the point we are making for.

We see no good reason for following Dr. Caldwell to France, and Italy, and Prussia, and Austria, or any where else to guage the merits of our officers; they fought well in America, and that is enough for us. We are sufficiently content with good homespun excellence, of American manufacture, and we wish that all our friends may wear it. There is a plenty of it, we believe, in every department, military, civil, and literary, at least for home consumption; and there is no need of our continually laying restrictions on that abroad, in order to raise its value. The market of the world will never be glutted, be this article brought from whence it may; let us but be careful to send in our proportion of it, and we doubt not it will always command its fair price. There are no two persons just alike in the world, nor any two events; and it seems to us, that General Greene can with as little propriety be compared to Napoleon or Frederick, as to the Dey of Algiers. All that part of his life, that can be made interesting to general readers, and indeed we may say to any one, excepting his immediate friends, is so connected and interwoven with the events of the war, that his character can only be faithfully delineated, by a minute detail of those events, and by making the reader his constant companion and tent-fellow. This could hardly be done, excepting by some one, whose own military duties during the revolution produced a daily intercourse between him and Greene, and thus afforded an opportunity of observing with attention the workings of his mind, and his general deportment, under the very trying circumstances in which he was placed. It will also be apparent that any other biography of him less particular than this, must necessarily be included in every just account of the war, especially of that part of it which relates to the southern states. It was the original intention of General Lee, as we are informed in the first chapter of his Memoirs, to connect the biography of Greene with his narrative of the southern war, and we doubt not he would have performed it with great fidelity; but fearing that longer delay would prevent his accomplishing either, he concluded to commence with the latter only.

We make these remarks, in order to show, that an interesting and useful biography of General Greene, and one that would do ample justice to his character and to the country

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which he defended, is not so light a matter that it may be suddenly patched up, by any one, with scraps collected here and there from other writers. And we think they account in some measure too, for that supposed want of gratitude and true patriotism, with which Dr. Caldwell so hastily charges our countrymen, on the score of neglect in producing such a biography. On the other hand, we should feel great regret if they seemed at all to be offered as discouragements to the gentleman, to whom we alluded in the beginning of this article, as intending to undertake a life of Greene. From his well-known character and abilities, we should expect just such a work on this subject as is wanted, and as we should delight to see. And we sincerely hope that he will not be deterred from undertaking it, from the apprehension that the field is pre-occupied; for we take it to be the chief excellence of Dr. Caldwell's book, that it does not, in the least, preclude the necessity of another; nor will be apt to interfere at all with its circulation.

But should other occupations, or a want of sufficient materials, prevent that gentleman from satisfying our wishes, we still apprehend, that notwithstanding 'our marked indifference,' our 'unrelenting neglect,' and the work now before us, General Greene's character will not essentially suffer.

The heroes and statesmen who achieved the independence of this country, are not to be forgotten, although no monuments should be erected on their graves, nor histories be devoted to the celebration of their actions. There is no want of clearer records and more durable monuments. This extensive continent, this vast and rising empire, is a magnificent and an eternal monument to their names. Every splendid city that is raised upon its surface is a new inscription to commemorate their deeds, every flourishing village and cultivated field a fresh memento of their worth.

They are not to be forgotten, so long as the active mind of man shall be gratified and improved by searching out the causes and the reasons of important revolutions, by observing the growth and decay of states, the advancement of civilization, the fluctuations of opinion, and all that can make him acquainted with the best interests of his species. They are not to be forgotten, so long as the fruits of their labours shall be enjoyed by their posterity; so long as our free institutions and happy government are continued to us, the immortal tes-

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timonies of their disinterestedness: so long as reason and morality and religion hold their control over us. They are not to be forgotten so long as the records of the world shall impartially narrate the most memorable events of every age, and do justice to the evil and good of every country.

ART. XI.—*Sermons by the late Rev. J. S. Buckminster; with a memoir of his life and character.* 8vo. pp. 430, Boston, John Eliot, 1814.

IT is commonly stated as one of the causes why there is produced in our country so little which deserves attention on the score of merely literary merit, that the talent of the country is mostly turned into the channels of the active professions. This implies that there is talent existing; and if it be just, as we believe, we may fairly expect to find compositions of professional men on subjects or occasions of a professional nature, of a high order of excellence. In the course of two of the professions and of public life, duties occur, which cannot be successfully discharged without literary discipline; and the very motive, which withdraws a man from the pursuit of literature as a business, urges him to bring his speech in the church, the senate, the popular assembly, or at the bar, as near as possible to the ideal standard of their several kinds of composition. We think the experiment confirms the theory; and that the best literary specimens we have to show are the speeches of our barristers and statesmen, the lectures of our academical men, and the sermons of our divines. We have no better apology for having omitted, heretofore, to notice a work, which stands pre-eminent in the first rank of them, than that it was published before our labours began, and has uniformly, where it has been known, been held in a just estimation. We notice it now, not to dissent in any respect from the sentence, which the public has so emphatically pronounced, but because that sentence ought to be recorded. If what we say is just, it is no credit to our discrimination; we but repeat the general voice.

The difficulty of a preacher's task, we apprehend, is imperfectly appreciated. It is understood that the subjects which he must treat have no recommendation of novelty; but on

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the other hand, it is thought that this novelty is only of consequence to a speaker, as a means of commanding interest, which interest is equally insured by the immense and eternal importance of the subjects of pulpit discourse. The course of argument it is allowed is so familiar, that the doctrine or the premises once announced, the minds of the hearers anticipate the method of proof, or arrive at the conclusion before they are conducted to it; but this weariness of listening is supposed to be some how compensated to the speaker, by the ready assent which his hearers are prepared to grant to him. If there is necessary to him a vast acquaintance with character and motives, his studies and situation put him in the way of acquiring it; and though he must address himself to an audience comprising all varieties of information and refinement, of opinion, condition, and character, it is with topics, in the application of which no such distinctions are to be recognized. It is thought, moreover, that he has advantages over other public speakers in the respects,—that unembarrassed by the consciousness of being watched to be contradicted, he may express his thoughts with force and freedom, without those qualifications which are so hostile to the spirit of eloquence; that the deference paid to his office, which secures for his sentiments, at least, a candid reception, and the authority not to be disputed, by which, if he understands his business, he will take care to confirm what he utters, give him confidence; and that he is not limited by an unaccommodating subject to one style of composition or another, but may select such as will give propriety to an argumentative, a didactic, or pathetic strain, as his particular taste may dictate.

There is good sense in this, as far as it admits the difficulties which exist, but most of what is said on the other side is either not true in itself, or not true, as applied. It avails nothing, how interesting may be the subject, on which one speaks, unless its importance is felt by those who hear; and so far is a preacher from being aided by any strong sense on the part of his hearers, of a personal concern in what he is urging on them, that he may consider his task in the main accomplished, the moment this sense is felt. Men need direction in duty; but they need much more to be awakened to a sense of its obligation and importance, and this is only to be done by exposing to them a thousand false views and wrong biasses, which hinder the influence on them of acknowledged

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truth. These can be detected only by the most laborious observation and skilful search, and then require no less ability and care to exhibit them, so that they may be recognized. The awful sanctions of another life might seem an unfailing instrument of commanding an interest. But, awful as they are, they are familiar to the ear, if not to the thoughts; and it is an undertaking for the highest genius, to find an avenue to the mind, where they will meet no obstacle, and may enter in all their overpowering strength.

That the subjects of pulpit discourse have, at all times, the same interest, is again an untoward circumstance to the eloquence of the pulpit. It imposes on the speaker the task of considering what he shall speak of, as well as what he shall say of it; and the former is commonly the more embarrassing question of the two. Other public speakers are relieved of this task. The point is given; it is for them to contrive how it shall be approached. The time and spirits of the preacher must be wasted in selecting out of an endless variety, and very often with no principle of choice, a subject which of course will have after all no peculiar pertinency, and might as well be treated at another time as at the present. When it is chosen, his mind is not only exhausted by an irksome labour, but he is without that interest in the composition, and that direction to his thoughts which would be produced by the expectation of speaking what is pertinent and seasonable; and the hearer not only listens without the interest which belongs to a perception of correspondence between the discourse and the occasion, but actually comes to listen, possessed with an idea—suited above every other to cause an indolent attention—that what he is to hear may be spoken or listened to as properly at another time.

There is always, moreover, some variety in the subjects, which present themselves to the orators of the senate or the bar. The matter of a debate is never twice in all respects the same, and this is a circumstance not more certain to fix the attention of those who hear, than favourable to the exercise and appearance of ability in those who speak. They have facts unknown to the audience to produce, contested points to prove, adverse arguments to meet. These things insure an interest. A contest is of itself sufficient matter for curiosity. The discourses of the pulpit, for the most part, admit only of the exhibition in a forcible and engaging man-

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ner of truths, which no one thinks of doubting; and this undertaking, to make the mind feel the influence of that which it has already received, and entertains without emotion, is of all undertakings, within the compass of the art, the most discouraging, and seldomest successful. Discourses on doctrinal theology make sometimes an exception, and every one knows how much most easily they are composed, and how much most attention they can command. The preacher who thinks it his duty often to treat such subjects, has lightened his task, and found the readiest way to reputation.

The effect of desire of victory in debate to put the faculties in strong action is obviously very great. The prospect of accomplishing an immediate and visible object has a similar influence. In addressing a popular assembly or a jury, one has in view to produce immediately a sensible testimony to his powers. Preachers, who aim at a sudden and observable operation on their hearers, have the same advantage, and the effect appears in the character of their modes of address. It is not conceivable, that Whitfield and preachers of his class would have employed so successfully the most impassioned style of eloquence, if they had aimed only at an effect, which should discover itself in the distant actions of their hearers' lives.

The character of pulpit eloquence is again most unfavourably affected by the nature of the audience. They belong to no one class, and the same address can in no way be made the best for all. The same subject is important for one to consider, and not so for another. The style which the taste of some requires is too elevated or too humble for the rest. And this difficulty applies not only nor principally to the choice of words and structure of sentences, for in these good writers please at the same time the well informed and ignorant; but to the whole course of argument or remark. What seems acute to one, to another is unintelligible; and trite and useful, as applied to sermons, some appear to think convertible terms. Some men's wills are only accessible through their feelings, others, only through their understandings. They meet in the church, and the one sort or the other will probably go away unedified. If the first class are addressed, their prejudices are opposite, and while you have been producing a good effect on some of them, you have outraged the rest. If the latter, there is no set of premises in which they agree, and great part of your labour will thus be lost.

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One other difficulty in the task of preachers deserves to be mentioned. They must not indulge nor address the violent passions, the most excitable part of the constitution, and therefore that out of which the highest style of eloquence springs, and in operating on which the greatest fame may be easiest acquired. Invective comes with no grace from a religious teacher, nor is he permitted to excite any feelings except those of devotion and benevolence. This is a task exceedingly different from that of working an audience into a rage.

All these difficulties, essential to the art of preaching, considered, we are not surprised at what we suppose will be allowed to be true, that there are fewer good specimens in this kind of composition than in any other, which has engaged men of equal abilities and accomplishments. The circumstance, which seems to have been felt as the most embarrassing, is the tendency to triteness in the subjects and manner of discourse, and the desire of avoiding it has undoubtedly led to some of the principal faults of preachers. One would think that strict discriminating truth was necessary in nothing so much as in the representations of religious doctrines and duties. But strict truth is a dull homely thing, and eloquence requires animation and vivacity. The consequence is, that something better than reality is sought. An effect is aimed at, to be obtained by the strong lines of the picture, not by the fidelity of the likeness; and truths and duties are extravagantly and falsely stated for the sake of impression. This is the worst effect of the ambition in preachers to be striking. But there is another more to our purpose. Doubtless a preacher's business is to consider first, what end he is to propose to himself, and then how that end will be best accomplished *with his audience.* The end of preaching is to engage men in the practice of religious duty, and this either directly by determining the will, or less so by informing the understanding. For the sake of avoiding the tedium of the old track, the very object of discourse has not seldom been sacrificed, and that virtue been wanting in the instrument, for the want of which nothing can atone, that of being adapted to its end. And as to that consideration of the character of his audience, which one would think would be well weighed by a preacher, who meant to speak to any purpose, it is curious to observe how, for the sake of avoiding the beaten path, we must suppose, for we can conjecture no other reason, it seems to have been

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neglected. Origen framed allegories, and Chrysostom polished the Greek period for the poor unlearned Christians of the third and fourth centuries; and the military hearers of the dark ages were entertained, when they had any thing in the shape of religious teaching, with the metaphysics of Aristotle and Augustin. When a better æra might be expected to have begun in England, Tillotson, of whose reputation he that can give an account is ingenious, was discoursing the veriest truisms in the loosest style in the high spiritual places of the kingdom; while the gifted Scotch were diving into the depths of foreknowledge and free will, with a ragged auditory on a hill's side. The old style of English preaching was to exhibit the proofs of the divine authority and doctrines of religion to those who never doubted either, and of the French to urge the duties founded on these evidences, on an audience who believed nothing of the matter.

However it be with the French, the English style of sermon writing exists no longer, or at least in any shape worthy of its former fame. The sermons that come over to us now are written mostly in a style to show that the rival school has triumphed. We cannot be supposed to be biassed by the execution of them, which is not often such as to excite a favourable prejudice, when we say that we think the change an indication of better taste. We know what we are hazarding when we confess, that the direct, animated address of the French preachers seems to us altogether better suited, than the didactic manner of the English, to make the hearing of sermons a profitable employment. We are very little satisfied with the plea commonly made, that the English sermons are compositions for thinking men, and have in them abundance of argument and sagacious remark. That they are compositions suited to thinking men is no praise to them as sermons; for the audiences for which sermons are prepared are but in small part composed of such. But we go farther, and own that in our view even the advantage in argument is decidedly on the side of the French preachers, if it be any merit in an argument to be compressed, yet clear, and effectual, though unpretending. We do not value other forms of arguing more than the discarded syllogism, and are willing to let a man convince us in the way which seems to him best, though it be without any pretence of premises and deductions. That way of reasoning is to be preferred which

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is best fitted to produce conviction. A preacher finds that if he would effect any thing with an audience such as he addresses, the burden of fixing and sustaining their attention devolves on himself. It is desirable that his arguments therefore be striking in form, as well as weighty in substance, and no means of making them so is to be neglected. If by grounding them on present sensible objects, or embodying them in vehement expostulation, or clothing them in rhetorical embellishments, he can urge them with best effect, it is an advantage not to be lost, and to have a quick discernment of such opportunities is so far to be skilled in the art of preaching. It seems to us that the sentence with which one of the French preachers began, with his hand on the bier of a king—my friends, there is nothing great but God—had in it not only more eloquence, but more argument than is to be found in any English diatribe on the divine greatness. For another example; what parade of statements and inferences would be likely to produce an equally powerful effect, with that celebrated passage in Massillon's Sermon on the small number of the saved, in which he supposes the day of judgment already arrived, and asks his hearers who of them, if the heavens were to open that moment above them, would expect to be found among the just.

We hope we shall not be misconceived to deny the merit which the English sermons really possess, because we cannot grant that they have the highest. The strong sense, the discriminating views of duty and religious truths, the just estimates of character, and acute analysis of motives which some of them exhibit are virtues which stand clear of the defects in composition, which seem to us evident and great. Still, as long as it is the object of preaching to awaken and inform the conscience, whatever is not best fitted to this end, pleasant and improving performance as in other respects it may be, is not the best sermon. It is not enough to furnish matter of reflection for the wise; there must be something also to attract the simple, and even the wise require something more than that provision be made for them.

The prejudice against that style of pulpit eloquence which we regard as the highest is, we think, owing to the difficulty of succeeding in it. In this, as in other attempts in which success is reserved for great powers, there are fewer who succeed than fail. Those, who mean that they do not like the

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show of eloquence without the animating spirit, will meet no opposition from us. We are defending those only who are equal to what they attempt. We admit that for most public speakers plain modes of address are best, but the reason we give for it is, that the less the pretension, the less disgraceful the failure; and it is because we consider the French style of pulpit eloquence the highest, that we think few good specimens of it are likely to be exhibited.

We were going on to say when we fell upon this long digression, that a preacher in this country has other difficulties to contend with, than those essential to his task. The founders of our religious institutions were persons much engaged in religious contemplations and exercises, and their spiritual guides naturally attained an influence which engaged them in arduous public duties, and were objects of a reliance and regard which caused their society to be prized and sought. The clergy were made advisers in political and civil matters as well as those of a more private nature, and the care of education was principally committed to them. They were expected to be personally acquainted with each of their charge, to be always accessible, and to be always at hand when the wants or wishes of any of their charge required. The demand was a very proper one, for they who made it took wise care to enable it to be met. They remembered that their clergy, to be respected and useful, must be learned as well as busy, and they allowed that study is necessary to learning, and leisure to study. They did not build thirty log-houses and a meeting-house in the midst, that they did not set two pastors over the fold. The duty, great part of it, has continued, and on the whole vastly increased since their time. There is one congregation in this state, at least, composed of more than three thousand persons. The clergy are still liable to a variety of public duties. They still keep up that familiar intercourse with their charge, which of itself takes up no small share of the time of one man. They are commonly active members of religious and benevolent societies. They are intrusted in a great measure with the direction of education, from the university to the parish school. But while the task has continually increased, the corresponding practice has gone by degrees into disuse, and we know of not a parish in the commonwealth where the duty during the whole year is permanently shared between two persons.

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Now it is not that the time, which is necessary to mature the preparations of a public speaker, is in chief part consumed by other engagements, but yet more, that the mind is rent by such a variety of important cares, some of them too of the most exhausting kind, and incapacitated, except in very happy moments, from giving an undivided intense attention to any one. The consequence must be that something will be neglected, and much done languidly, or else in minds of peculiar excitability, an unnatural tension will be kept up for a time, which will soon however crack the strings of life. If any are disposed to reply, that in such a duty no man's animation can fall, they may be reminded, what it is never worth while to forget, that earth enters into the composition of man, and that the spirits of the most conscientious will flow and ebb, their minds kindle and cool, their nerves be braced and relaxed, like other beings. We have no doubt of the ability or the zeal. We but ask the question, whether the mind is constructed so as to work freely under such a pressure.

To this is to be added, that the great demand in this profession calls very young men into it. And there is no noviciate for them. There is no simultaneous growth as elsewhere of duty with experience, but they plunge at once into the midst of their most arduous duties. Under a variety of untried embarrassments, preparation must be made for two public appearances during the week, and each week at least the thoughts be turned into an entirely different channel. The great preachers of France, except on special occasions, preached only at Christmas or in Lent, and their sermons were the slow compositions of weeks of leisure. Many of the English divines are entitled by their station to the same privilege, and very many more avail themselves of it without this right. Paley's advice to the young clergy of his diocess is, if they find themselves unable to compose a sermon a week, to try to compose one every month;* and Dr. Doddridge says that two hundred sermons are enough for a life. No where, in fact, is the task of the clergy so great as here, and no where, but in Scotland, approaching to it. And this, too, in a country where the practice of translation has scarcely yet gained any footing.

* 'As to preaching,' says the same author (Paley's Works, vol. v. p. 454) 'if your situation requires a sermon every Sunday, make one and steal five.'

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Worse than all, the hardship of want of opportunity for close, long-continued attention is one, we fear, felt with peculiar severity by precisely those persons, from whom the public ought to hope the most. There are minds perhaps so framed, as always to perceive distinctly at a first glance. But in general we suppose the views of a profound and original thinker present themselves dimly at first, and only come to be well defined in the thoughts after a close observation. Give a man of this character time to trace his hint, to follow it into its consequences, and make it familiar in short to his own view, he will exhibit it in the clearest light to others. But hasten him, he will either give you his really valuable thoughts in the rude obscure state in which they as yet exist in his own mind, or else views as trite as you would have from other men, and offered in a still less tolerable dress, because he is not used to triteness and is impatient of it. The best intellectual mechanism that ever was put together, if you will not wait its movements, will either turn out half formed ideas, or the old hackneyed ones in the same shape in which it received them.

No more need be said to show, that the life of the clergy is with us more an active than a studious life, and that it would be matter of surprize if their productions should often bear the marks of that laborious correction, which a literary leisure admits. But there are not many evils without a balance. Every occupation with us, even the most retired of the professions, is made a school of that practical talent which distinguishes the character of our country. The avocations which take a clergyman from his books, lead him into the world of men, and force him to an acquaintance with the condition, characters, opinions, and needs of those whom he must address. They make him a student of men and life. He finds a salutary exercise to his powers, in intercourse with men of different pursuits, and gains influence, if he deserve it, by contributing his opinions on equal ground with them, on subjects of common interest. More than all, he brings to the aid of his other motives to diligence and earnestness the force of personal attachment, which breathes into his addresses that tone of sincerity and feeling, which cannot be counterfeited, which can scarcely be dispensed with, and which can neutralize almost every fault. To these causes it is owing, that scarcely any foreign sermons, which we read, compare with

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many which we hear, for directness and closeness of application, and we are pleased to learn from those of our friends who have had means of judging, that the standard of preaching is no where higher than with us.

We do not forget that we are to remark on the writings of one who furnishes the most signal example of a victory over those unfavourable circumstances in the situation of our clergy, which seem to condemn them, like the rest of our professional men, to a practical, scanty, superficial learning. That Mr. Buckminster was thus distinguished,—that it is not only as a preacher that he has been known, and been useful, was owing to no exemption from the common duties of a laborious profession, but to advantages wholly personal. He possessed very uncommon qualities of mind, and, what is more, in a singularly happy combination. A full and just account of his intellectual character and habits has been given by the lamented author of the very interesting biography prefixed to the volume of his sermons, and there is nothing which we could add to it. The trait which perhaps will be remarked as the most uncommon, is the union of such inventive powers, as he possessed, with such powers and taste for study. Minds fertile in their own resources are often impatient of the labour of appropriating to themselves the thoughts of other minds, and fall of course into the eccentricities, which nothing will keep in check, except a regard to that compromise of opposite judgments, and result of the common judgment, which is called good taste. And on the other hand, men, who have indulged themselves in that comparative indolence of the mind when it is receiving ideas from another, not only have its original bent restrained by culture, but are apt to contract a dread of the severe effort of invention. When neither consequence appears, the most eminent and useful men are formed, and one of these was the author of this volume. His ardent love of learning discovered itself at the earliest period when the mind shows its tastes; and to the extent that the constant calls of professional duty admitted, he was always, even in the most active years of his life, a laborious student. He had the benefit of the best opportunities of education, which our country furnished. He pursued his preparatory studies at the excellent classical school in Exeter, N. H. under the care of Dr. Abbot, his academical at Cambridge, and passed four years of close application afterwards in professional prepara-

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tion. For on account of his favourite pursuits we refer to his biography, and for the rank which he held in our world of letters, we give the judgment of one of the very few who, on such a question, are authorized to pronounce an opinion. 'There is no question,' says the editor of the Repository,* 'that he was one of the most eminent men, whom our country has ever produced. In my opinion he was far beyond all rivalship the most eminent literary man of all those of whom she retains only the memory.'

He came forward into life with the marks of eminence and usefulness upon him. In any sphere they must have been his destiny. It could not have been but that in any sphere he would have been one of those who give a direction to the views, and a character to the history, of the society in which they live. In truth, this volume, which is the proof of what he was as a preacher, fills but a very small part of our recollection of him. We look at it as Michael Angelo did at the famous fragment of antiquity. It is but a part, but *ex pede Herculem.* His influence as a preacher will be far beyond his life; nay, infinitely far beyond the term of any life. But it is not in this character that he will be most conspicuous in the history of our country. His success and countenance gave an impulse to literature among us, which, every year since he first became the boast and wonder of our little literary republic in the east, has seen increasing, and of which our country will in time acknowledge the debt. Had he had less love of letters and less learning, the enthusiasm which he excited would have been a mere personal tribute, and perished with him; and had he possessed fewer of those qualities which set a mark on all that he did and loved, the hopes of learning would have owed him less.

When we say then that Mr. Buckminster was the author of what we account the best specimens in our language of a difficult kind of composition, we speak but a small part of his praise. Yet as a preacher it is that he must become known to those who knew him not, and the profession of his choice was that for which nature and circumstances had formed him. In any he would have gained a fame and an influence, but in any other than this, part of them would have been lost. In the family of his venerable father, the most distin-

* Vol. ii. p. 306.

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guished among the clergy of a neighbouring state, he took the bias, which determined his life, as early perhaps as any predilection develops itself, and which gave a direction and a colour to all his subsequent pursuits and views. Had he lived a mere scholar's life, he would have produced indeed what would have been admired and useful, but the power of the orator would have been unfelt. His imagination, wonderfully fertile and well governed as it was, marked him for that province of eloquence which must elevate the ideas of the intellectual, and aid the conceptions of the humble. The unrivalled power of attaching, which he possessed, would not have been in any other sphere of public life so important an auxiliary to his other means of being useful, and we shall not be misapprehended when we say, that his exquisite perception of moral excellence and the worth and attraction of his own character would in no other sphere of action have benefited the public so much as in the sacred office.

The volume before us contains, as we have said, the best sermons of which we have any knowledge. They are written in a style of the most polished elegance, and if they seem best fitted for the more cultivated class of hearers (for such would naturally be selected for publication) yet they are brought down by the clear well-defined current of thought, to the comprehension of the humble. There is nothing in them of the bad taste of excessive ornament. You see in them indeed the fruits of an imagination familiar with all forms of grandeur and beauty, and abounding too in classical resources, for he had drunk deep at the fountains of antiquity, and drawn thence the living spirit; but there is no noisy, useless torrent of imagery. They show an intimate knowledge of character; a delicate discrimination of duty; a strict fidelity to truth, and independent uncompromising assertion of it. They breathe above all an enthusiastic, contagious love of religious goodness, and he who can read them without feeling the ardour of virtue kindle in him, has not it seems to us an imagination to be raised nor a heart to be warmed. The biography of the author notices as a peculiarity of his manners a certain directness and absence of disguise. It appears in these writings. They speak impressive truths as they should be spoken, in solemn, direct, impressive, fearless language. They are what sermons ought to be, perspicuous expositions of religious truth, animated representations of the excellence

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and happiness and hopes of the religious life, and direct appeals to the conscience.

When we began this article, we fully designed to give a discriminating character, as far as we were able, of this volume, to defend the opinion we entertain of it, and as became us in our official capacity, to find or pretend to find its faults. Our readers must pardon us that, as at last we have discovered, we cannot accomplish our design. We did not imagine, till we attempted it, the difficulty of talking in set phrases of criticism of one surrounded with a glory in our minds, which will not let us see his defects,—if there are any, nor even take the dimensions of his merit. We should better have left the task of doing both to those who never knew or heard him. When they have assigned to this volume the rank which it may be thought to hold among productions of the kind, they may remember in aid of their estimation of its author, that it is the posthumous work of one who in his minority was engaged in the duties of an arduous public station, and died on the threshold of mature life. They may be told too that when they have imagined what effect such a speaker might produce, their imagination, we must believe, falls far below what is in the memory of us who witnessed it. Part of the art of the orator dies irrecoverably with him. It is a narrow estimate of intellectual power which recognizes it in one only of its ways of exhibition. The high fancy that illuminates the profound path of thought, irradiates the speaking eye. The keen feeling that indites the pathetic sentence, tunes the melting voice. But there are no marks to perpetuate these; no musical scale to preserve the subduing tone of deep emotion; no living likeness of the heaven-illumined face, caught in moments of religious inspiration. These are lost; but they who have seen or can fancy the effect of the most solemn and consolatory truths, conveyed in their most striking and engaging shape, pronounced with the tones which know their way from heart to heart, by one whose idea was almost identified with whatever is to be admired and loved, will be able to conceive something of our recollections of Mr. Buckminster.

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De editione fragmentorum antiquissimorum Iliadis Homeri cum picturis nuncius prodromus. Angelus Maius, Bibliothecæ Ambrosianæ a Linguis Orientalibus lectori salutem.

——Duos Vaticana dedit antiquos eosdem et nobilibus tabulis exornatos, Virgilium atque Terentium, alterum Virgilium Laurentiana et denique tum Latinum aliquid, tum plures auctores Græcos papyri Herculanenses ad nostræ ætatis commendationem in lucem protulerunt.

Sed qui *priores Mæonius tenet sedes Homerus** in Mediolanensi Ambrosiana Bibliotheca adhuc latebat: non ita tamen ignotus, ut etiam sagaces et eruditos oculos sapientum Collegii Doctorum effugeret. Namque hi et tam pretiosum κειμήλιον feliciter detexerant, et pro rei dignitate suspexerant, ejusque notitiam doctis aliquot per Italiam viris impertiti jam fuerant. Cum autem ego beneficio et nutu Excellentissimi Comitis Gr-BERTI BORROMÆI, quem honoris amplitudinisque causa nomino, tum invitatu etiam cæterorum Ambrosianæ Conservatorum, quos grato animi sensu semper colam, ad eamdem Bibliothecam accessi, nihil antiquius habui, quam ut in Codice tam admirando studia et cogitationes defigerem. Quumque sententiam præfecti doctissimi et optimi *Petri Cigheræ* ed editionem moliendam conspirare viderem, cœpi protinus venerandas Poetæ maximi reliquias e suis involucris et latebris patienter evolvere. Multæ interim editionem operis causae moratae sunt, quarum non minima ea fuit, quod ingens pecuniae vis ex aerario Bibliothecae non magno esset proferenda. Nunc vero opere ad calcem prope deducto, quae sit ejus natura et ratio, quantaque ad rem litterariam augendam opportunitas, breviter, ut in nuncio prodromo, exponam.

Fuit antiquissimus quidam et splendidus Graecus Codex, in quo tota Ilias Homeri continebatur, litteris grandibus ac speciosissimis scripta, tum etiam picturis rerum gestarum idoneis exornata. Atque is liber tanta scilicet erat commoditate, quantam lectio simul et opportuna inspectio suppeditant; tam vetere atque erudito artificio, ut picturae genus a tam antiqua poesi non abhorreret; tanto volumine ac pretio, ut conjicere liceat, eum non ad hominis privati usum, sed ad amplissimi principis oblectationem

* *Horat. Carm. lib. IV, Od. 9.*

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fuisse instructum. Sed enim, quae rerum humanarum conditio est, labentibus saeculis, sive is Codex vetustate fatisceret, sive ad dominum excordem et plane stolidum venerat, ita in frustra concisus est, ut tabulae quidem ad oculorum blandimentum, saltem plurimae retinerentur, totum autem interpositum carmen abjiceretur; immo et illud, quod in postica pictae membranæ parte supererat, bombycinis chartis obtegeretur. Quia vero subducto oculis carmine, quid quaeque tabula exprimeret, non satis accurate liquebat, bonus ille Codicis sector tum bombycinis integumentis scholia graeca vetera inscripsit, quae ad picturae argumentum declarandum plerumque pertinerent; tum ipsis tabulis rubricatas epigraphas levidensi nec erudita opera adjunxit. Atque ita Codex inter homericos omnes vetustate et artificio longe nobilissimus, maxima sui parte minutus, carmine obtecto, picturis multis amissis, aliquot etiam carie terebratis, plane ut ille olim Vaticanus Virgilius, ad conditionem miseram deplorandamque devenerat.

Sed numquam tam male est rebus præstanter insignibus; quin aliquid pristinæ bonitatis dignitatisque retineant. Injuria licet temporum atque hominum Poetæ principis membra adeo violata jacerent, tamen eorum fulgore collucere quodammodo atque illustrari Ambrosiani plutei videbantur. Ex tam spatioso volumine LVIII. supersunt Fragmenta, in quibus picturæ quidem sunt totidem, versus autem homerici ad DCCC. Porro sors tulit, ut quæ supersunt pictae tabellæ, eæ per totam Iliadem a I. ad XXIV. librum procurrant, exceptis III. XVIII. XIX. et XX. libris quorum et carmen et picturæ cunctæ interciderunt. Jam vero in tot tabulis (ut de his primum dicamus) stupenda quædam infinitarum imaginum copia est. Nam sicut Homerus immensa præditus ingenii vi cunctam pæne naturam poesi sua complexus est, sic noster Pictor dum homericæ mentis divitias explicare nititur, artem prope universam exhausit. Atque is utinam ut ubere imaginandi facultate pollebat, sic etiam exquisitissima manu usus esset! Verum picturæ, etsi nonnullis ex iis vitiis laborant, quibus nec alia veterum monumenta aliquot carent, sunt tamen artificii non contemnendi. Nam et a rigore sequiorum temporum absunt: tum innumeros habent et varios figurarum motus, vultus plerumque argutos, animorum indices, vestes sinuosas: sensus item hominum et perturbationes haud rare exprimuntur. Omnino Pictor et membrorum symmetriam et lumina et umbras et eminentias et spatia et variarum imaginum conflictus non infeliciter effinxit. Laus cæteroqui harum picturarum præcipua est illa certa ac perpetua morum et proprietatum expressio, et ad veteres consuetudines severissime exacta. Quæ res ad comprobandam Codicis antiquitatem mirifice prodest. Quum enim tot adeoque dissimilium inter se rerum figuræ propositæ sint, nihil autem in iis recentis vel inventionis vel usus appareat; immo vero omnia cum veterum monumentorum natura formisque consentiant; fieri non potest, ut ea pictura barbaris et inficetis temporibus elaborata sit.

Et de picturis quidem, quarum in nostra editione vel maximum momentum est, paullo fusius egimus. At de carminum magnifica palæographia, cujus etiam breve specimen, etsi oppido rudius quam est in Codice, e nostris schedis Lipsiæ vulgatum fuit,* pauca monere sufficiet. Qui dicuntur esse in Bibliothecis homerici codices, eorum nullus, quod sciam, sæculo fere X. non est recentior. At nostra Fragmenta quanto denique intervallo præcedunt! Et scriptura quidem est plane mirifica, litteris uncialibus et quadratis, verbisque more antiquo continuis, sine accentibus,

* Leipziger Literatur-Zeitung 25 July 1812.

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sine spiritibus : nam qui in Codice interdum apparent, ii a posteriore aliqua manu appicti sunt : quod et recentius atramentum, et rudiores ductus ostendunt. Calligraphia vero tanta est, ut neque in Herculani papyris, neque in operibus diplomaticis, ubi codicum græcorum specimina etiam IV aut V. seculi eduntur, neque in antiquissimis Ambrosianis aliis codicibus, quicquam simile facile occurrat. Denique de natura textus hoc notamus, eum in multis Aristarchi recensionem sequi, quod perpetua Venetorum scholiorum collatione cognovi, non raro tamen ab Aristarcho recedere, et Zenodoti quoque lectiones interdum exhibere

Quamvis operi nostro tam antiquæ præstantisque picturæ ac scripturæ editio satis pretii ac decoris afferre videretur, haud tamen nostra sedulitas intra hos terminos se cohibuit. Præter illud insigne κειμήλιον, de quo hactenus locuti sumus, ingens in Ambrosianis pluteis homericorum codicum copia est, quorum alii membranei, alii bombycini, alii lintei, universi autem intra XII. et XVI. sæcula conscripti videntur. In his codicibus non solum innumeræ lectiones optimæ latent verum etiam glossae, et scholia, et argumenta, et historiae, et allegoria, et metaphrases, aliae, ad verbum, aliae liberae, quorum multa quum sint inedita, nos partim integra in lucem educemus, partim ita illustrabimus, ut quidquid ea bonae frugis ad exornandum Homerum conferre possunt, id doctorum respublica non ignoret.

Quod autem hoc opus homericum bonarum artium studiosis aingulariter profuturum sit, id ego quidem tam habeo persuasum, ut verear ne lectorum ingeniis videar diffidere, si de re tam perspicua prolixius disseram. Nam ad antiquitatis cognitionem seu firmandam seu corrigendam, *quantum conferent hae picturae? in quibus* paene incredibile est quam multa et quam praeclara ejus generis sint. Quantum scriptura antiquissima ad palaeographiam, orthographian et puriorem Iliadis recensionem intererit? Quantum denique opes codicum tot plane intactorum eruditionis thesauro cumulum imponent? Quod si exteri homines idcirco maxime Italiam olim visebant, quod cum haec regio florebat fortuna et copiis, praeclara artificia et codices eximios in ea esse sciebant; nos quoque aliquam gratiam apud eos inire speramus, quorum oculis et studio tam uberem spectandi proficiendique materiam sublato omni incommodo suppeditamus.

Mei igitur operis haec ratio est. In prolegomenis quidem de Picturarum antiquitate praestantia atque utilitate, nec non de Fragmentis carminum preciosissimis disseram : tum etiam de reliquis Ambrosianae Bibliothecae homericis manuscriptis accurate dicam. Sequentur LVIII. Picturae cum suis singulae declarationibus ; tum carminum Fragmenta totidem, quorum unum aere expressum, Autographi specimen erit, reliqua grandibus litteris edita, splendidam Codicis calligraphiam, quoad licebit, imitabuntur : criticas autem unicuique fere Fragmento notas adtexam. Tum denique in operis calce plurium codicum homericorum selectas lectiones, et inedita scholia, et paraphrasium, atque hujusmodi veterum illustrationum saltem excerpta, ad Principis poetarum ornatum, criticaeque incrementum collocabo.

Scribebam Mediolani in ædibus Bibliothecæ Ambrosianæ Kalendis Quintilibus MDCCCXIV.

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